

~~MINIMUM STANDARDS FOR PRIVATE LICENSED CHILD-PLACING AGENCIES~~

PART I.

~~INTRODUCTION DEFINITIONS AND AUTHORITY.~~

22 VAC 40-130-10. Definitions.

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context indicates otherwise:

“Adoption assistance” means the provision of a money payment and/or services to adoptive parent(s) on behalf of a child with special needs.

“Adoptive home” means any family home selected and approved by a parent, local board of public welfare or social services, or a licensed child-placing agency licensee for the placement of a child with the intent of adoption.

“Adoptive placement” means arranging for the care of a child who is in the custody of a licensed child-placing agency in an approved home for the purpose of adoption.

“Applicant” means the person or persons applying for licensure as a child-placing agency. In the case of sole proprietorship, the individual is the applicant. If the applicant is a partnership, the applicants are all the partners. If the applicant is an unincorporated association or corporation, the members of the governing board are the applicant.

“Assisted conception” means a pregnancy resulting from any intervening medical technology, whether in vivo or in vitro, which completely or partially replaces sexual intercourse as the means of conception. Such intervening medical technology includes, but is not limited to, conventional medical and surgical treatment, as well as noncoital

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reproductive technology such as artificial insemination by donor, cryopreservation of gametes and embryos, in vitro fertilization, uterine embryo lavage, embryo transfer, gamete intrafallopian tube transfer, and low tubal ovum transfer. (§ 20-156 of the Code of Virginia)

“Birth parent” means the child’s biological parent or parents and, for purposes of adoptive placement, means parent or parents by previous adoption.

“Case management” means placement activities including, but not restricted to, care planning, placement monitoring, and discharge planning; casework services; and supervision of foster parents to evaluate the effectiveness of the child’s plan of treatment.

“Casework” means both direct treatment with an individual or several individuals, and intervention in the situation on the client’s behalf. The objectives of casework include: meeting the client’s needs, helping the client deal with the problem with which he is confronted, strengthening the client’s capacity to function productively, lessening distress, and enhancing opportunities and capacities for fulfillment.

“Casework trainee” means an individual hired to perform casework services who has at least a baccalaureate degree but who lacks the required experience as described in this Chapter.

“Certification” means granting permission to operate a specific service or services when the commissioner’s representatives find the applicant complies with the standards for this purpose.

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“Certified agency” means a local department of social services that has been certified to provide treatment foster care case management services as stipulated in this Chapter.

“Child” means any natural person under 18 years of age.

“Child’s family” means the birth or adoptive parents, legal guardians, or family to whom the child may return.

“Child-placing activities” means the activities involved in the placement of children in foster or adoptive homes, child-caring institutions, or independent living arrangements.

Activities include those specified in these standards. Individuals or agencies must be licensed or authorized by the *Code of Virginia* to conduct child-placing activities in Virginia.

“Child-placing agency” means any individual or agency licensed to place person who places children in foster homes, adoptive homes, child-caring institutions or independent living arrangements pursuant to § 63.2-1819 of the *Code of Virginia* or a local board of public welfare or social services that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221 of the *Code of Virginia*. Local departments of social services are child-placing agencies also. Officers, employees, or agents of the Commonwealth, or of any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

“Commissioner” means the Commissioner of the Virginia Department of Social Services, his designee or authorized representative.

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~~“Complaint” means an accusation received either orally or in writing that: a licensed child-placing agency is not in compliance with one or more of these standards or one or more statutory requirement; or, an agency foster or adoptive home is not in compliance with one or more applicable requirements of this Chapter~~ a written or oral allegation that an entity subject to licensure under this Chapter is not licensed, a licensee or approved home is out of compliance with these standards and applicable law or a child placed in a home or institution facility by a child-placing agency licensee is being abused or neglected as defined by § 63.2-1508 of the Code of Virginia or subjected to unwholesome influences or to neglect or mistreatment as stated in § 63.2-904 of the Code of Virginia.

~~“Corporal punishment” means the inflicting of pain or discomfort. Prohibited actions include but are not limited to spanking, hitting with any part of the body or with an implement, pinching, pulling, shaking, binding a child, forcing him to assume an uncomfortable position, or locking him in a room or closet. any type of physical punishment inflicted in any manner upon the body of a child, including but not limited to hand spanking, shaking a child, forcing a child to assume an uncomfortable position, or binding a child.~~

~~The prohibition is in effect whether punishment is spontaneous or a deliberate technique for effecting behavioral change or part of a behavior management program.~~

“Custody” means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with

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whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

“Department” means the ~~Virginia~~ State Department of Social Services.

“Discipline” refers to acceptable techniques used to teach appropriate behavior and, secondarily, to discourage inappropriate behavior.

“Emergency placement” means the placement of a child within 72 hours of the request from a parent, guardian, or other entity having legal custody.

~~“Foster care” means the provision of substitute care and supervision, for a child committed or entrusted to a child welfare agency or one for whom the agency has accepted supervision. The child may be placed in a foster or adoptive home, group home, residential facility, institution or independent living arrangement.~~

“Foster care placement” means placement of a child through (i) an agreement between the parents or guardians and the local board or the public agency designated by the community policy and management team where the legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

“Foster care services” means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 of the *Code of Virginia* or in need of services as defined in §

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16.1-228 of the Code of Virginia and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or the public agency designated by the Community Policy and Management Team and the parents or guardians, (iii) has been committed or entrusted to a local board of social services or licensee, or (iv) has been placed under the supervisory responsibility of a local board pursuant to § 16.1-293 of the Code of Virginia.

“Foster home” means the place of residence of any ~~individual or individuals~~ natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

“Foster parent” means a provider, approved by a licensee, who gives 24-hour substitute family care, room, board, and services by foster home agreement between the foster parent and the licensed child-placing agency.

“Independent living” means a program of services and activities for children in foster care who are 16 years of age or older, and persons who are former foster care children between the ages of 18 and 21, that prepares them for the successful transition from foster care to self sufficiency.

“Independent living ~~arrangement~~ placement” means the ~~placing of a youth at least 16 years of age, whose custody is held by the child-placing agency or a local department of social services, in a living arrangement in which there is no daily parental supervision~~ placement of a child from 16 years of age to 21 years of age who is in the custody of a

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local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision. This definition shall also apply to a youth receiving independent living services in accordance with § 63.2-905.1 of the Code of Virginia.

"Initial plan of care" means a written plan which delineates the services that are to be provided to the child at admission.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

~~"Interstate placement" means the placing of a child outside the Commonwealth by a Virginia agency or the placing of a child in Virginia by an individual or agency outside the Commonwealth pursuant to the Interstate Compact on the Placement of Children,"~~
Chapter 10 (§ 62.1-219 et seq.) of Title 63.12 and §§ 63.1-207 and 63.1-207.1 of the Code of Virginia arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or non agency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited severely by the action of any court.

~~"Licensee" means any individual, association, partnership or corporation to whom the license is issued.~~ a licensed child-placing agency.

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“Licensing representative” means an employee or officially designated agent of the Department of Social Services, acting as the authorized agent of the commissioner in carrying out the responsibilities and duties specified in Chapter 10 (§63.1-195 et seq.) of Title 63.1 Subtitle IV (§§ 63.2-1700 et seq. and 63.2-1800 et seq.) of Title 63.2 of the Code of Virginia.

“Life book” means a picture and narrative story of a child’s life created by the child and case worker, and others as appropriate, using the child’s own words, photos, drawings, and memorabilia to tell the child’s story.

“Mental abuse” means that which occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such a child a mental injury by other than accidental means, or creates a substantial risk of impairment of mental function. (See Virginia Administrative Code 22 VAC 40-705-30 (D

“Noncustodial agreement” means an agreement that specifies the conditions for care and control of the child that the local department of social services or public agency designated by the Community Policy and Management Team enters into with the parent(s) or guardians to place a child in foster care when the parent(s) or guardians retain custody.

“Parent” means birth parent or adoptive parent.

“Parental placement adoption” means an adoption where the birth parents or legal guardians place the child with a family of their choice for the purpose of adoption. §§ 63.2-1230 - 1240 of the Code of Virginia stipulate the requirements for parental

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placement adoptions.

“Permanent entrustment agreement” means an agreement in which the parents relinquish all parental rights to the child and free the child to be placed for adoption.

“Permanent foster care placement” means the placement of a child according to the provisions of §§ 63.2-900 and 63.2-903 of the *Code of Virginia* with the expectation and agreement between the placing agency and the foster parent or parents or other place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517 of the *Code of Virginia*. A permanent foster care placement may be a place of residence of any person or persons deemed appropriate to meet a child’s needs on a long-term basis. The permanent foster care placement must be in a foster home approved by the local department of social services or a licensee.

~~“Permanent foster care” means the placement of a child in a foster home where he is expected to stay until he is aged 18. Both the placement and a removal, if any, must be approved by the court. Under certain circumstances, the youth may stay in permanent foster care beyond age 18 but not beyond age 21.~~

“Physical abuse” means abuse that occurs when a caretaker creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon a child a physical injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily functions. (Virginia Administrative Code 22 VAC 40-705-30 (A))

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“Physical neglect” means the failure to provide food, clothing, shelter, or supervision for a child to the extent that the child’s health or safety is endangered. This also includes abandonment and situations where the parent or caretaker’s own incapacitating behavior or absence prevents or severely limits the performing of child caring tasks pursuant to § 63.1-248.2 of the Code of Virginia. (Virginia Administrative Code 22 VAC 40-705-30 (B))

“Physical restraint” means the use of physical interventions or "hands-on" holds an individual has been certified to use to prevent an individual from moving his body to engage in a behavior that places him or others at risk of physical harm. Physical restraint does not include the use of "hands-on" approaches that occur for extremely brief periods of time and never exceed more than a few second's duration and are used for the following purposes:

- a. To intervene in or redirect a potentially dangerous encounter in which the individual may voluntarily move away from the situation or hands-on approach; or
- b. To quickly de-escalate a dangerous situation that could cause harm to the individual or others."

“Placing agency” means the agency that placed the child with the licensee.

"Policy" means a course of action used to determine decisions and actions.

"Procedure" means an established set of steps for carrying out a policy.

“Professional staff” means individuals who possess the required qualifications and fill the job descriptions of executive director, program director, director of social services,

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child-placing supervisor, case supervisor, case worker, and case worker trainee.

"Program description" means a statement describing the system of services provided by the licensee.

"Prospective adoptive parent" means a provider who gives parental care and establishes permanent family relationships for children in the provider's home for the purposes of adoption.

"Respite care" means care provided to the child by approved foster families for the express purpose of providing 24 hours or more of rest or relief to the primary foster parents or birth parents.

"Seclusion" means a behavior control technique involving locked isolation. Such term does not include a time out.

"Serious accident or injury" means a wound or other specific damage to the body such as, but not limited to, unconsciousness; broken bones; dislocation; deep cut requiring stitches; concussion; or foreign object lodged in the eye, nose, ear, or other body orifice.

"Short-term placement" means a placement for less than 30 days.

"Service plan" means a written plan of care for the child, based on an assessment of the medical, emotional, social, behavioral, and developmental aspects of the child's situation. The service plan contains goals and measurable objectives; the criteria for achieving them; and the target dates, services, activities, and experiences designed to meet the objectives; coordination with community services; and permanency planning, including discharge plans.

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“Sexual abuse” means any act of sexual exploitation or any sexual act upon a child in violation of the law which is committed or allowed to be committed by the child’s parents or other persons responsible for the care of the child pursuant to § 63.2-1508 of the Code of Virginia. (Virginia Administrative Code 22 VAC 40-705-30 (E))

“Special needs” means any diagnosed physical, mental, or emotional disability.

“State board” means the State Board of Social Services.

“Surrogacy contract” means an agreement between intended parents, a surrogate and her husband, if any, in which the surrogate agrees to be impregnated through the use of assisted conception, to carry any resulting fetus, and to relinquish to the intended parents the custody of and parental rights to any resulting child. (§ 20-156 of the Code of Virginia)

“Time out” means a behavior management technique that may involve brief separation of a child from a group or an activity intended to aid a child to regain self-control. And usually followed by supportive debriefing with an adult.

“Treatment” is the coordinated provision of services and use of professionally developed and supervised interventions designed to produce a planned outcome in a person’s behavior, attitude, emotional functioning, or general condition.

“Treatment foster care (TFC)” is a community-based program in which services are designed to address the special needs of children and families. Services to the children are delivered primarily by treatment foster parents who are trained, supervised, and supported by agency staff. Treatment is primarily foster family based, and is planned

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and delivered by a treatment team. Treatment foster care focuses on a continuity of services, is goal directed, results oriented, and emphasizes permanency planning for the child in care.

“Treatment foster parent” means a provider, approved by the licensed or certified child-placing agency, who is trained to provide treatment foster care services.

“Treatment and service plan” means a written comprehensive plan of care, based on an assessment of the medical, psychological, social, behavioral, and developmental aspects of the child’s situation. The plan contains measurable goals, procedures and interventions for achieving them, and a process for assessing the results. The treatment and service plan must state the treatment objectives; prescribe an integrated program of therapies, activities, and experiences designed to meet the objectives; and must include coordination with related community services to ensure continuity of care with the child’s family, school, and community.

“Treatment team” means the group that provides mutual support; evaluates treatment; and designs, implements, and revises the treatment and service plan. Treatment team members are persons directly involved with the child and may consist of the child, professional agency staff, other professionals, the child’s family members (where appropriate), the licensee, and the treatment foster parents.

“Youth” means a child at least 16 years of age in foster care and persons who are current or former foster care children between the ages of 18 and 21.

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A. Sections ~~63.1-196 and 63.1-202~~ 63.2-1701 and 63.2-1734 of the *Code of Virginia* set forth the responsibility of the Virginia Department of Social Services for licensure of child-placing agencies. ‡ The sections includes the authority and responsibility of the State Board of Social Services for the development of standards and requirements for the activities, services, and facilities of the agency regarding children or other persons within its custody or control.

B. It is a misdemeanor to operate a child-placing agency without a license unless the child-placing agency is a local department of social services. (§ 63.2-1712 of the Code of Virginia)

22 VAC 40-130-25. Scope and applicability.

The Standards for Licensed Child-placing Agencies shall apply to the licensee and to certified child-placing agencies. It shall specifically apply to the following:

1. Licensed child-placing agencies that provide foster care services as stipulated in Part IV. Specific sections also apply to or impact the foster parents approved by them;
2. Licensed child-placing agencies that provide adoption services as stipulated in this Chapter. Specific sections also apply to or impact the adoptive applicants;
3. Licensed child-placing agencies that provide interstate or intercountry services as stipulated in this Chapter;
4. Licensed child-placing agencies that provide home studies related to the status of children of assisted conception as stipulated in this Chapter;
5. Licensed child-placing agencies that provide independent living services as stipulated

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in this Chapter;

6. Licensed child-placing agencies that provide treatment foster care case management services as stipulated in this Chapter. Specific sections also apply to or impact the treatment foster parents approved by them; and

7. Local departments of social services that have Medicaid certification to provide treatment foster care case management services as stipulated in this Chapter. Specific sections apply to or impact the treatment foster parents approved by them.

PART II.

ORGANIZATION AND ADMINISTRATION.

22 VAC 40-130-30. Sponsorship and Legal and Operational Responsibility.

A. Each licensed child-placing agency shall have a clearly identified sponsor- which may be An an individual, partnership, limited liability company, association, or corporation may operate a child-placing agency.

1. When an agency a licensee is sponsored by an individual, the individual is the licensee who has legal and operational responsibility and must have knowledge and experience in the programs and services the agency offers.

2. When an agency is sponsored by a partnership, the partnership shall serve as the licensee and have a written partnership agreement (articles of partnership) which allows provides for the operation and maintenance of a licensed child-placing agency where at least one of the partners has knowledge of and experience in the programs and services the agency offers.

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3. When an agency is sponsored by an ~~unincorporated~~ association, the governing board is the licensee and has legal and operational responsibility. The association shall have:

- a. A governing board which serves as a licensee of which at least one of the members has knowledge of and experience in the programs and services the agency offers; and
- b. A written constitution or ~~by-laws~~ bylaws which ~~includes~~ provide for the operation and maintenance of a licensed child-placing agency.

4. When an agency is sponsored by a corporation, the board of directors is the licensee and has legal and operational responsibility. The corporation ~~it~~ shall have:

- a. A governing board which serves as the licensee where at least one of the officers or director has knowledge of and experience in the programs and services the agency offers;

- b. A certificate of ~~corporate status~~ incorporation issued by the State Corporation Commission or, for corporations ~~based out of state~~ formed under the laws of a jurisdiction other than Virginia, a certificate of authority to transact business in the Commonwealth; and

- c. A ~~charter which specifies~~ Articles of incorporation that specify that the purpose of the corporation includes the operation of a licensed child-placing agency.

5. When a limited liability company operates a licensed child-placing agency, the members are the licensee and have legal and operational responsibility. The limited liability company has:

- a. Members who serve as the licensee where at least one of the members has

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knowledge of and experience in the programs and services the agency offers;

b. A certificate of organization issued by the State Corporation Commission or, for limited liability companies formed under the laws of a jurisdiction other than Virginia, a certificate of registration to transact business in the Commonwealth; and

c. Articles of organization that specify that the purpose of the limited liability company includes the operation of a licensed child-placing agency.

B. This section does not apply to a certified agency.

22 VAC 40-130-40. Maintaining standards.

A. The licensee or certified agency shall be responsible for meeting and maintaining these standards and for complying with other relevant federal, state and local laws and regulations. This includes, but is not limited to:

1. "General Procedures and Information for Licensure" regulation (Virginia Administrative Code 22 VAC 40-80); and

2. "Background Checks for Child Welfare Agencies" regulation (Virginia Administrative Code 22 VAC 40-191).

B. The licensee shall allow the department's representative to interview the licensee's agents, employees, and individuals under its control, direction, or supervision.

C. The licensee shall permit announced and unannounced inspections of the licensee's or certified agency's office(s) and approved homes as the licensing representative deems necessary, during the hours of operation or service.

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D. The licensee or certified agency is responsible for correcting areas of non-compliance found during these inspections, including revision of any procedures or practices necessary to prevent recurrence.

~~22 VAC 40-130-50. Financing plan.~~

~~The applicant for a license shall have a plan of financing which provides evidence of income and other financial resources that will ensure operation in compliance with this Chapter for a period of 12 months.~~

~~22 VAC 40-130-60. Process Initial and renewal application.~~

~~The plan of financing shall be provided to the licensing representative with the initial application and with each renewal.~~

~~A. Initial applications shall include:~~

~~A. Applicants for an initial or renewal license shall comply with the provisions of the "General Procedures and Information for Licensure" regulation. (Virginia Administrative Code 22 VAC 40-80) and the "Background Checks for Child Welfare Agencies" regulation. (Virginia Administrative Code 22 VAC 40-191.)~~

~~B. Each application for an initial or renewal license shall be made to the commissioner in such form as he may prescribe. It shall include:~~

~~1. Agency identification to include:~~

~~a. Name of agency;~~

~~b. Address;~~

~~c. Telephone number, fax number, and website address, if any;~~

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d. Name of contact person;

e. Name of executive director;

f. Written directions to each Virginia office;

g. Hours of operation; and

h. Application fee;

2. Sponsorship information to include:

a. Name of sponsor;

b. Type of sponsorship;

c. If a partnership, limited liability company, association, or corporation, the names and addresses of its officers and agents with notation of:

(i) Which individual or individuals are officers of the board, if appropriate; and

(ii) which individual or individuals have knowledge of and experience in the programs and services the agency offers;

3. Identification of the:

a. Numer of children to be served at any one time;

b. Sex and age of children to be served; and

c. Type or types of programs for which a license or renewal license is sought;

4. A financing plan that demonstrates evidence of income and other financial resources that will ensure the financial means to operate in compliance with this Chapter for a period of 12 months;

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5. A written statement appointing a staff member to serve in the executive director's absence and describing the duties and authority of the designated substitute;

6. Staff information to include:

a. Names of all executives; administrative and clerical, supervisory, and child-placing staffs; student intern; trainees; mentors; transporters; recruiters; and all volunteers;

b. Office location where work/volunteer;

c. Positions;

d. Hours and days of work per week; and

e. Initial employment, internship, or volunteer date; and

7. a signed statement by the board president, executive director or designee that the individual:

a. Is in receipt of and has read all applicable regulations and statutes;

b. Intends to comply with the applicable regulations and statutes and remain in compliance with them;

c. Gives the department and its authorized agents permission to investigate the circumstances of the application and statements made in the application;

d. Understands that authorized agents of the department will make announced and unannounced visits to the facility to determine compliance with standards and to investigate any complaints received;

e. Understands that an applicant for licensure is subject to issuance or denial and there are appeal rights, if denied;

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f. Is aware that it is a misdemeanor to operate a child-placing agency, as defined in § 63.2-100 of the *Code of Virginia*, without a license; and

g. Has supplied true and correct information to the best of the individual's knowledge and belief and will supply true and correct information during all subsequent investigations.

C. In addition to other information required by the commissioner, the initial application shall include:

1. Legal and operational documents as described in 22 VAC 40-130-30;

4. ~~2.~~ A balance sheet showing current assets and liabilities, ~~and 2.~~ the agency's projected budget detailing the expected income and expenses for the year- , and documentation that it has cash on hand or a line of credit to cover the first 90 days of operating expenses;

3. A copy of the program description;

4. A copy of policies and procedures;

5. A copy of job descriptions;

6. Copies of forms; and

7. A copy of the fee schedule, including a description of services covered by the fees and the agency's refund policy, if any.

~~B. Renewal applications shall include:~~ D. The renewal application shall include:

1. A statement for the previous fiscal year showing actual income and expenditures to include:

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a. Actual and anticipated revenue from all sources including fees for children in care, other clients/services, federal funds, state funds, local funds, income from investments, endowment/trust fund(s), donations/solicitations, adoption fees, and revenue from any other source(s); and

b. Actual and anticipated expenses including administrative expenses; salaries, wages, and benefits; and operations expenses;

EXCEPTION: If licensed in another state, the agency shall provide only information pertaining to the Virginia office.

2. A balance sheet showing current assets and liabilities;

3. A budget detailing income and expenses: ~~a. For~~ for the current fiscal year if the ~~agency licensee~~ agency licensee is less than six months into its current fiscal year; ~~or~~

~~b. For the next fiscal year if the agency is more than six months into its current year.~~

~~Note: If the agency is more than three months into its current fiscal year, the latest quarterly statement of income and expenditure is requested. This applies to both 3 a and 3 b.~~

4. Either an approved budget for the next fiscal year or a statement indicating the current status of its finances and the status of the projected budget for the next fiscal year and submission of the next fiscal year's budget to the licensing representative within 30 days after the budget is completed and approved;

EXCEPTION: If licensed in another state, the agency shall provide only information pertaining to the Virginia office;

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5. For licensees that have operated more than twelve months, a copy of the most recent auditor's report by a certified public accountant or tax return certified by a public accountant not associated with the agency (Virginia Administrative Code 22 VAC 40-130-80):

EXCEPTION: A licensee with income of less than \$30,000 for the year may substitute a certified copy of the tax return as submitted to the Internal Revenue Service for the audit of financial records. The copy of the tax return must be certified by a certified public accountant not associated with the license;

6. A plan of financing that demonstrates evidence of income and other financial resources that will ensure the financial means to operate in compliance with this Chapter for a period of twelve months;

7. A report of major changes in programs or facilities during the past year or expected for the coming year;

8. Either a report of changes to the fee schedule, if any, or a statement that there has been no change; and

9. If the previous license was provisional, a statement showing which requirements listed as provisions of the provisional license were met and, if any were not met, the plan for meeting them.

E. Copies of the program description, policies and procedures, and forms shall be submitted to the licensing authority within 30 days after a change has been adopted.

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F. Any change in an individual applicant member who has knowledge and experience in the programs and services the agency offers shall be submitted to the licensing authority within 30 days after the change along with information substantiating that person's qualifications.

22 VAC 40-130-70. Ratio.

The agency licensee shall maintain a ratio of assets to liabilities of at least one.

~~22 VAC 40-130-80. Audit.~~

~~Financial records shall be audited annually by a certified public accountant not associated with the agency.~~

~~22 VAC 40-130-90. Copies of report.~~

~~A. A copy of the most recent auditor's report shall accompany the application for license renewal.~~

22 VAC 40-130-100. Agency setting.

The agency individual, partnership, limited liability company, association, or corporation shall maintain professional staff in an office within Virginia from which the child-placing activities are carried out.

22 VAC 40-130-110. Office conditions.

The agency licensee shall provide office space, equipment and supplies to ensure:

1. confidentiality and safekeeping of records in a locked metal cabinet;
2. privacy for interviewing and conferences; and
3. availability of visiting rooms for families and children.

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~~NOTE: Rooms and offices may serve multiple functions.~~

22 VAC 40-130-120. Posting of license.

~~The current license shall be posted in a conspicuous place near the entrance of the agency.~~

~~If the agency has branch offices, copies of the license shall be posted in the same manner in each location.~~

Licensees must comply with:

1. “General Procedures and Information for Licensure” regulation (Virginia

Administrative Code 22 VAC 40-80-10 et seq.):

2. the Code of Virginia related to the posting of documents.

22 VAC 40-130-130. Caseload numbers ~~and licensed capacity~~ and requirements.

A. ~~Total agency~~ The licensee caseload capacity shall be the sum of the following:

1. A maximum caseload of 25 children for a full-time ~~child-placing~~ professional staff person; except in treatment foster care and independent living placement programs;

2. A maximum caseload of 10 children for a ~~beginning~~ case worker trainee for the first twelve months, except in treatment foster care and independent living;

3. ~~A~~ This may be increased to caseload of 15 for a case worker trainee by the end of the first year and 20 by the end of the second year by which time he will qualify as a caseworker for the second twelve months;

4. A caseload of 25 when the trainee qualifies as a case worker, except in treatment foster care and independent living placement programs; and

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~~The agency shall have a training program for trainees during the two years. It shall have its own list of topics to be covered.~~

35. A maximum caseload of five children for each student intern; except in treatment foster care and independent living placement programs.

B. Treatment foster care programs shall have a maximum caseload of 12 children for a full-time professional staff person, except for a case worker trainee. The caseload shall be adjusted downward if:

1. The case worker's job responsibilities exceed those listed in the agency's job description for a case worker, as determined by the supervisor;
2. The difficulty of the client population served requires more intensive supervision and training of the treatment foster parents; or
3. The child's family requires intensive services.

EXCEPTION: The case worker may have a caseload of 15 provided no more than ten of the children are in treatment foster care and the above criteria for adjusting the caseload downward do not apply.

C. In treatment foster care, there shall be:

1. A maximum caseload of six children for the first twelve months for a case worker trainee;
2. A maximum caseload of nine for the second twelve months for a case worker trainee;
and
3. A maximum caseload of 12 when the case worker trainee qualifies as a case worker.

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D. In treatment foster care, there shall be a maximum caseload of three children for each student intern.

E. In independent living programs, there shall be:

1. A maximum caseload of 15 youth for a professional staff person;
2. A caseload of eight for case worker trainees for the first twelve months;
3. A caseload of 12 for case worker trainees for the second twelve months; and
4. A caseload of 15 when the case worker trainee qualifies as a case worker.
5. Student interns shall have a caseload of no more than five youth.

~~B.~~ F. Children to be counted in the agency caseload licensee capacity are:

1. Children in ~~agency~~ licensee custody including children for whom an interlocutory order has been entered who are still awaiting a final order; and
2. Children not in the custody of the ~~agency licensee~~ , but who are being supervised in a foster or adoptive home, treatment foster home, group home, institution, or independent living arrangement for another agency or individual.

G. A licensee that places youth between the ages of 18 and 21 in care shall provide the level of services described in the program description to these youth. These youth shall be counted in the licensed capacity and caseloads of the licensee or certified agency.

22 VAC 40-130-140. Conflict of interest.

A. No applicant for or recipient of individual who is requesting or receiving adoptive services shall serve as ~~an agency~~ a board member for a licensee before the final order for the adoption is entered.

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B. ~~No biological~~ A parent of a child currently placed by the licensee or certified agency may not serve as a board member of the agency. The parent of a child previously placed may serve as a board member of the licensee or certified agency.

C. ~~No foster home applicant~~ prospective foster or treatment foster parent shall serve as a board member of the licensee or certified agency.

D. No board member who is a foster parent for the licensee or certified agency shall vote on a foster care policy issue.

E. Staff members of ~~an~~ a licensee or certified agency may not ~~receive services~~ serve as foster parents of the agency for which they work.

F. ~~Board members and~~ A board member or staff member of a licensee or certified agency who ~~wish~~ wishes to apply to adopt shall be referred to another child-placing agency.

22 VAC 40-130-150. Deceptive representation of advertisement.

No ~~child-placing~~ licensee or certified agency shall disseminate, or cause directly or indirectly to be disseminated, statements regarding services which are untrue, deceptive or misleading.

22 VAC 40-130-155. Policies and procedures.

A. All policies and procedures shall be written and regularly monitored for correct implementation.

B. The written policies and procedures related to licensees and certified agencies shall be reviewed and evaluated as a whole at least annually. Documentation shall be

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provided upon request of the licensing representative.

C. All policy changes shall be submitted to the licensing representative within 30 days after the change is made.

D. The written policies shall include a statement that the licensee or certified agency will provide access by authorized representatives of the department at all times to each child placed by it and to the home in which the child is placed.

E. The written policies shall include a statement that the foster parent or parents will be informed in writing that they are required to release custody of the child to an authorized representative of the licensee or certified agency upon request of the licensee or certified agency, or when it is the opinion of the commissioner, it is in the best interest of the child.

EXCEPTION: If a child is in a permanent foster care placement, there shall be a court order before the child is removed.

F. The written policies shall include a statement that the licensee shall not remove a child placed in an adoptive home by an adoptive home placement agreement except:

1. With the consent of the adoptive parents;
2. Upon order of the juvenile and domestic relations district court or the circuit court of competent jurisdiction;
3. When a child placed by a licensee is subject, in the adoptive home in which he is placed, to unwholesome influences or to neglect or mistreatment, in which case removal is subject to review by the juvenile and domestic relations district court when there is a

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petition of the adoptive parents;

4. Whenever the commissioner orders removal , in which case removal is subject to review by the juvenile and domestic relations district court upon petition of the adoptive parents;

5. Upon order of the juvenile and domestic relations district court that accepted consent when the consent has been revoked as authorized by § 63.2-1204 or § 63.2-1223; or

6. A circuit court denies the petition for adoption of a child for whom there is an interlocutory order of adoption.

G. The licensee or certified agency shall have a written policy addressing the agency's plans for active cases if the agency should cease operation.

H. If the licensee or certified agency is involved in adoption or foster care placement, there shall be a policy that no person will be denied the opportunity to be placed solely on the basis of the race, color, or national origin of the person.

I. The licensee or certified agency shall have written policies and procedures for the immediate reporting of suspected child abuse or neglect to the local department of social services or the Child Abuse and Neglect Hotline.

J. The licensee or certified agency shall have and implement a policy to ensure that children under its legal or physical supervision are not (i) subjected to corporal punishment as defined in these standards, physical abuse, mental abuse, or sexual abuse; (ii) subjected to verbal abuse or remarks that belittle or ridicule the child or his family; (iii) subjected to physical neglect or denied essential program or treatment

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services, meals, water, clothing, bedding, sleep, or personal care products; or (iv) subjected to any humiliating, degrading, or abusive actions by anyone subject to the provisions of this Chapter.

K. The licensee shall comply with:

1. §§ 63.2-1702, 63.2-1707, 63.2-1719, 63.2-1721, 63.2-1722 and 63.2-1723 of the Code of Virginia and

2. The "Background Checks for Child Welfare Agencies" regulation (Virginia Administrative Code 22 VAC 40-191-10 et seq.)

L. The licensee or certified agency shall describe and implement a policy of acceptable methods of control and discipline. The policy shall include statements that:

1. When children are placed for the purposes of foster care, treatment foster care, or adoption, the placement agreement between the child-placing agency and the foster or adoptive parent or parents shall contain a statement that an agreed upon plan of discipline has been developed; and the use of mechanical, chemical, and physical restraint and seclusion of children is not permitted. Physical restraint does not include the use of "hands-on" approaches that occur for extremely brief periods of time and never exceed more than a few seconds' duration and are used to intervene in or redirect a potentially dangerous encounter in which the individual may voluntarily move away from the situation or hands-on approach or to quickly de-escalate a dangerous situation that could cause harm to the individual or others;

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2. The licensee or certified agency shall disclose to a prospective adoptive, foster, or treatment foster parent in writing prior to or during the home study the agency's criteria and values pertaining to discipline and parenting practices that may influence its assessment of the prospective parent; and

3. The agreed upon plan of discipline or that part of the behavior management program involving discipline shall be filed in the foster, treatment foster, or adoptive parent's or parents' record.

M. Staff members of a licensee or certified agency shall neither use corporal punishment with children in agency care nor give permission to others to do so.

~~22 VAC 40-130-160. Corporal punishment.~~

~~Staff members of an agency may not use corporal punishment with children in agency care nor give permission to others to do so.~~

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PART III.

PERSONNEL.

22 VAC 40-130-170. Job description.

A. The agency shall have a written description of the duties and responsibilities, educational requirements, and work experience required for each staff classification in its program. The job description shall also indicate the job title of the immediate supervisor.

B. A copy of each description shall be given to the licensing representative at the time of the initial application and when descriptions are changed, added, or deleted.

22 VAC 40-130-180. Personnel records.

A. A separate personnel record shall be maintained for each employee and contract employee. The record shall contain:

1. The application for employment or resume;
2. A ~~list of~~ copy of the diploma or official transcript to document educational credentials and a list of relevant work experience, giving dates, places, full- or part-time status, and details substantiating qualifications required by this Chapter;
3. At least two written references, requested by the agency, or record of agency interviews with references; obtained prior to employment;
4. Annual performance evaluations;
5. ~~Copies of professional licensure, when licensure is required by law; and~~
Documentation of training received;

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~~6. The criminal record certificate check, sworn disclosure statement, and child abuse and neglect registry check as required by § 63.1-198.1 of the Code of Virginia.~~

Background checks required by §§ 63.2-1702, 63.2-1707, 63.2-1719, 63.2-1721, 63.2-1722, 63.2-1723 and the “Background Checks for Child Welfare Agencies” regulation;

7. A signed statement that staff members of an agency shall neither use corporal punishment, as defined in 22 VAC 40-130-10, with children in agency care nor give permission to others to do so; and

8. A copy of the job description for the position hired.

B. A separate record shall be maintained for each volunteer and student or intern. The record shall contain:

1. A written plan for their orientation, training, supervision, and assignment;

2. Qualifications, if used to perform any staff function or responsibility;

3. Documentation of compliance with background checks requirements;

4. A written plan for evaluation of any student or intern;

5. Documentation of supervision of any student or intern by an individual with a doctor’s or master’s degree in social work from a college or university accredited by the Council on Social Work Education; and

6. Documentation that the supervisor has approved all placement recommendations made by the student or intern prior to their implementation.

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22 VAC 40-130-190. Staff composition and qualifications.

A. A staff member shall be designated to perform each function described in ~~this Chapter~~ 22 VAC 40-130. ~~This does not limit the agency to the use of the job titles in this Chapter.~~

B. When a staff ~~person~~ serves multiple functions within the agency, he shall meet the qualifications for each position held.

C. These functions shall be performed from an office located in Virginia.

D. Executive director.

1. The licensee shall appoint an executive director to whom responsibility for the administration of the agency has been delegated in writing. An individual licensee may be the executive director if the individual meets the qualifications. A licensee that is a partnership, association, or corporation may appoint one of its members as executive director if the individual meets the qualifications.

2. The executive director is responsible to the licensee for the administration of the agency, including implementation of all agency policies, procedures, and financial management.

3. The executive director shall have a doctor's or master's degree plus ~~three~~ five years of experience in a social service agency or program, including one year in an administrative, supervisory or consultative capacity.

~~5~~ 4. When the executive director does not have a doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education,

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he shall employ a program director or ~~supervisor~~ director of social services.

45. The executive director shall appoint a staff member to serve in his absence. He shall provide the department with a written statement of the duties and authority of his designated substitute at the time of application and renewal.

~~D~~E. Program director or ~~supervisor~~ director of social services.

1. The program director or ~~supervisor~~ director of social services shall:

- a. Supervise directly or through others all child-placing staff and activities; and
- b. Assist the executive director and governing body in the formulation and implementation of the agency's policies and programs related to child-placing and in the specific program area in which he works.

2. The program director or ~~supervisor~~ director of social services shall have a doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education, plus three years of experience in providing casework services to children and their families including one year as an administrator or supervisor of casework services.

~~E~~F. Child-placing supervisor.

1. When an agency employs six or more child-placing ~~staff persons~~ staffs, the licensee or certified agency shall employ a child-placing supervisor.

2. The supervisor shall:

- a. Be responsible for direct supervision of child-placing staff, but
- b. May not supervise more than eight child-placing staff members.

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3. The supervisor shall have:

- a. A doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education plus two years of experience in providing casework services to children and families; or
- b. A baccalaureate degree plus four years of experience in providing casework services to children and families.

FG. Case worker.

1. The ~~Responsibilities~~ responsibilities of the case worker include:

- a. Interviewing children and families;
- b. Conducting home studies;
- c. Preparing and carrying out ~~social~~ service plans with children and families;
- d. Preparatory counseling with children and families for placement or discharge, ~~or both~~;
- e. Supervising children in foster or adoptive homes, group homes, institutions or independent living arrangements; ~~and~~
- f. Preparing and maintaining case records; ~~;~~
- g. Providing guidance and training to prospective and current foster and adoptive parents and treatment foster parents;
- h. Coordinating referrals and arranging appropriate services;
- i. Monitoring service delivery; and
- j. Assessing progress.

2. The case worker shall have:

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- a. A doctor's or master's degree in either social work from a college or university accredited by the Council on Social Work Education or in a field related to social work such as sociology, psychology, education or counseling from an accredited college or university, with a student placement in providing casework services to children and families. One year of experience in providing casework services to children and families may be substituted for a student placement; or
- b. A baccalaureate degree in social work or a field related to social work including sociology, psychology, education or counseling and one year of experience in providing casework services to children and families; or
- c. A baccalaureate degree in any field plus two years experience in providing casework services to children and families.

3. H. Case worker trainee.

1. When an agency employs a ~~casework~~ case worker trainee, all of the following conditions shall be met:

- a. The case worker trainee shall have a baccalaureate degree;
- b. The program director or ~~supervisor~~ director of social services or a child-placing supervisor ~~of child-placing~~ shall directly supervise the case worker trainee on at least a weekly basis, and develop a written training program listing:
 - (1) Topics to be covered during the period of time the individual is a trainee; and
 - (2) The number of hours of supervision.
 - (3) The licensee or certified agency shall place a copy in the trainee's personnel record.

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~~6~~ 2. Placement decisions recommendations made by the case worker trainee shall be approved by the supervisor.

~~G. Consultants. All consultants engaged to provide services to the agency or to families and children served by the agency shall be qualified according to the requirements of the Code of Virginia governing professions.~~

~~H. Volunteers, students, and interns.~~

~~1. The licensee or certified agency shall have, if it makes use of volunteers, undergraduate or graduate students, or interns, a written plan for their selection, orientation, training, supervision, and assignment, and evaluation. Staffs who usually supervise or perform the assigned tasks shall supervise students, interns, or volunteers, except that a case worker trainee shall not supervise students, interns, or volunteers.~~

~~2. When a volunteer the individual is used to perform any staff function or responsibility, the volunteer individual shall meet the qualifications for the position.~~

~~Exception: An undergraduate student or intern shall not be required to have a baccalaureate degree or experience providing case work services to children and families.~~

~~3. The agency shall not be wholly dependent upon the use of volunteers, students, or interns receiving professional training to ensure the provision of services.~~

~~4. Staff who usually supervise or perform the assigned tasks shall supervise volunteers.~~

~~I. Students or interns receiving professional training.~~

~~1. If an agency provides professional training to undergraduate or graduate students or~~

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~~interns, it shall have a written plan for their selection, orientation, training, assignment and evaluation.~~

~~2. An individual with a doctor's degree or a master's degree in social work from a college or university accredited by the Council on Social Work Education shall supervise students or interns who perform child-placing activities. That supervisor shall approve all placement decisions made by the student or intern.~~

~~3. The agency shall not be dependent upon the use of students or interns to provide required services.~~

~~2.4~~ An individual with a doctor's degree or a master's degree in social work from a college or university accredited by the Council on Social Work Education shall supervise students or interns who perform child-placing activities. That supervisor shall approve all placement ~~decisions~~ recommendations made by the student or intern prior to their implementation.

22 VAC 40-130-195. Staff development.A. Professional staff members shall participate in orientation and training.

1. On the first day of employment, professional staff shall receive a copy of the licensee's or certified agency's policies and procedures and receive orientation about confidentiality, handling emergencies during and outside regular business hours, and mandated reporting of suspected abuse or neglect of a child.

2. Within 30 days after employment, professional staff members shall receive additional orientation and training that includes:

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a. The licensing standards, related policies in the Division of Family Service's policies, child abuse and neglect reporting laws, and other relevant laws of the Commonwealth of Virginia; and

b. The individual's job description, skills needed for the position, measures used in the evaluation of the position; and

c. The agency's policies on discipline and behavior management.

B. Professional staff shall also participate within six months following the start of employment in the licensee's or certified agency's pre-placement training for prospective parents in those programs for which they were hired.

C. If professional staff responsibilities are switched to a new program area, those staff members shall participate in the licensee's or certified agency's pre-service training for prospective parents in the new program area.

D. The licensee or certified agency shall make available inside or outside the agency, ongoing education or training for professional staff throughout each calendar year.

1. Professional staffs of all licensees or certified agencies shall receive an update to the topics covered during orientation, including any changes in the agency's policies and procedures, the licensing standards, identification of child abuse and neglect and reporting procedures, the agency's policies on discipline and behavior management, and relevant laws;

2. Licensees that provide adoption services shall provide training or education that will develop and enhance knowledge and skills in adoption placement; services to birth and

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adoptive parents; assessment and evaluation of adoptive homes; services to children, including grief and loss issues; the provision of services after adoption; services to adopted individuals; and

3. Licensees that provide foster care and treatment foster care shall provide training or education that will enhance and develop knowledge and skills in foster care placements; services to children and their families; services to foster parents; assessment and evaluation of foster homes; and grief and loss issues for children in foster care, including the significance of birth families to children placed in foster care.

E. Licensees and certified agencies that provide treatment foster care shall provide additional staff development in the following areas:

1. The agency's treatment philosophy and skill training in the specific treatment methodologies it employs, including crisis intervention techniques; and

2. Ongoing education or training in effectively working with children who have emotional and behavioral problems and who may have been abused and neglected.

PART IV.

FOSTER CARE SERVICES.

22 VAC 40-130-198. Requirements.

NOTE: Individuals or agencies in or out of state, or out of the country may obtain these services legally only from a licensed child placing agency or local department of social services.

A. In addition to Parts I, II, III, VI, IX, and X, the standards in this part shall be met to

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obtain a license to provide foster care services in Virginia. Note: Provisions for treatment foster care are in Part XI of this Chapter. Individuals or agencies in or out of state, or out of the country may obtain these services legally only from a child-placing agency licensed in Virginia or a Virginia local department of social services.

Requirements for caseloads and capacity may be found in 22 VAC 40-130-130.

B. Agencies shall be responsible for maintaining compliance with 22 VAC 40-130 and all related laws in Virginia.

22VAC 40-130-200. Program statement description.

~~A. Child-placing agencies~~ A licensee authorized to place children in foster care shall have a comprehensive written statement describing their description of these services, organizational structure, policies, and record keeping procedures including:

1. The purpose of the foster care program, including a description of the population the agency is prepared to serve and the geographical area to be served;

~~2. An open admissions policy if federal or local social service agency funds are involved.~~

~~It shall state that their program is open to all children without regard to race, color, national origin or sex. It shall say also that children with handicapping conditions will be accepted if their needs can be reasonably accommodated. The statement shall describe the population the agency is prepared to serve.~~

~~3. A list of the agency's intake requirements; an explanation of the fee system, if any; and decision-making procedures for acceptance, matching, placement and termination of discharge from care;~~

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~~43.~~ A description of the services provided to:

~~a. children, Children biological families and foster families;~~

~~b. Birth parents and guardians~~

~~c. Prospective foster parents; and~~

~~d. Current foster parents.~~

~~54.~~ A statement of eligibility requirements for foster families;

~~65.~~ A description of the agency's procedures for foster family study and approval including a description of ~~any~~ orientation and training;

~~7.~~ A description of agency policy and procedures for independent living arrangements, if offered; and

~~8.~~ A description of division of responsibilities and workload of the child-placing staff.

~~6.~~ A description of the responsibilities and workload for the child-placing staff and the division of the workload among staff members;

~~7.~~ The requirements for the organization and contents of the child's case record, to include all required documentation; and

~~8.~~ A description of specific orientation, pre-placement, and ongoing training topics for foster parents.

B. Either the full ~~statement~~ program description or a summary description shall be given to agencies and individuals who ~~inquire about the services provided~~ request services from the licensee or request a copy.

~~C.~~ The program statement shall be updated when changes are made in the program,

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~~and a copy provided to the licensing representative.~~

22 VAC 40-130-202. Written Policies and procedures.

A. The licensee shall have a written plan for back-up emergency care in the event that a child's placement in a family is disrupted.

B. The licensee shall have a written open admissions policy if public funds are involved.

1. It shall state that the program is open to all children without regard to race, color, religion, national origin, or sex.

2. It shall say also that children with disabilities will be accepted if their needs can be reasonably accommodated.

3. The policy shall state that race, color, or national origin shall not be the sole factor in determining the best placement for the child.

C. The licensee shall include or summarize this open admissions policy in all brochures and material used for advertisement or distributed to the public.

D. The licensee shall have policies and procedures governing the agency's responsibility to determine that foster parents;

1. Properly administer and document over the counter and prescription medication for foster children placed in their homes;

2. Have knowledge of side effects of medication;

3. Have knowledge of actions to be taken in response to side effects of or adverse reactions to medications, including emergency responses;

4. Notify the licensee and appropriate medical and emergency personnel of adverse

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reactions to medications; and

5. Have knowledge of the secure storage, retention, and disposal of medication.

E. The licensee shall have a policy and procedure governing the assignment of designated staff to be available to foster parents on a 24-hour, seven-days-a-week basis.

F. The licensee shall have a written discharge policy describing both planned and emergency discharge from the program.

G. The licensee shall have written policies and procedures for accepting emergency and short-term placements, if applicable.

22 VAC 40-130-210. Intake.

~~A child-placing agency may receive a child through court commitment or from an individual or agency having legal custody.~~

~~A. Authority to place.~~ Before placing a child in foster care, the ~~agency~~ licensee shall have the authority to place based on one of the following:

- ~~1. Court commitment~~ Commitment by any court of competent jurisdiction;
- ~~2. Temporary or Permanent~~ permanent ~~entrustment or commitment~~ by the parent or parents, relatives, or other ~~person~~ persons having legal custody; ~~or.~~

~~NOTE: If it appears that a child may need subsidy in the future, the agency should try to have the child enter care through court commitment. Few children who enter care through permanent entrustment are eligible for IV-E Adoption Assistance (federal subsidy). See 22 VAC 40-130-310 B-2 b Note.~~

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~~3. Temporary entrustment by the parent or parents or other person having legal custody or a placement agreement from an agency with legal custody. The agency shall petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days.~~ If accepting a child through a temporary entrustment agreement from the parent or legal guardian, the licensee shall follow the requirements of:

a. §§ 63.2-1817 and 16.1-277.01 of the Code of Virginia; and

b. The Service Programs Manual, Volume VII, Section III, Chapter B, Foster Care, Section 3.5.2, "Temporary Entrustment Agreements";

3. A placement agreement from an agency with legal custody; or

4. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between the parent or legal guardian and the local department or another public agency.

EXCEPTION: An agency licensed as a child-placing agency and certified as a ~~proprietary private day school for the handicapped students with disabilities~~ by the Department of Education shall not be required to take custody of a child placed in its special education program but shall enter into a placement agreement with the parent or other individual holding custody.

~~B. Intake assessment.~~

~~1. The assessment shall include items listed in subdivisions 1a through 1d. However, the agency shall collect the information for items listed in subdivisions 1a and 1b before~~

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~~accepting the child for placement. The required items are:~~

B. The licensee shall receive from the placing agency or assemble directly, review, and assess the following material prior to a child's placement to achieve a sound placement decision and planning for activities and services.

C. Each item shall indicate the date received by the licensee. The required material is:

~~a. 1. The reason the placement is requested;~~

~~b. 2. Current information~~ Information from the last 12 months on the child's:

~~(1) a. Health;~~ Known physical and mental health history;

~~(2) b. Behavior in the home or other living situation; and~~

~~(3) c. Grade level and adjustment to school, if of school age; or adjustment to day care or nursery school, if any, for preschool children;~~

~~e. The dates and persons involved in placement visits and staffings;~~

~~d. The reason or reasons the child was accepted and the date the decision was made.~~

d. Medications the child is taking, including dosages and reasons for taking each medication; and

e. Information on the child's skills, interests, and talents.

~~d. The reason or reasons the child was accepted and the date the decision was made.~~

~~2. The assessment shall be written within 30 days of placement.~~

Exception: In the case of any emergency placement, the reason for such placement shall be documented and the information obtained within 30 days of placement.

D. This information shall be obtained prior to any placement.

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E. Unless there are valid reasons for not doing so, the licensee shall interview the child and his parent or legal guardian prior to placement and document this interview in the child's record. If the child, the parent, or the legal guardian cannot be interviewed, the reason shall be documented in the child's record.

F. A child shall be placed only after careful consideration of how well the prospective foster family can meet the child's needs and preferences. Important considerations include, but are not limited to:

1. Foster parents' specific skills, abilities and attitudes needed to work effectively with the child; and

2. The family composition, willingness, and ability to work with the child's family.

G. The case worker or case worker trainee shall make a recommendation as to the most suitable foster home that can provide services to the child and his family.

1. Siblings shall be placed together whenever possible unless it is clearly not in their best interest.

2. The licensee shall document why a particular child is suitable for the program.

3. The licensee shall document why a particular foster home was selected for the child, the date the decision was made, and the staff positions involved in the decision-making.

H. A placement decision shall be made by:

1. A person who meets the qualifications of case work supervisor;

2. A case work supervisor; or

3. A committee when a case work supervisor is present and in agreement.

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I. The licensee shall prepare the child for placement and arrange a pre-placement visit for the child in the foster home.

1. If this is not possible, the reason shall be documented in the child's record.

2. The results of the pre-placement visit shall be recorded in the child's record.

J. By the end of 30 days of a child's placement, the licensee shall prepare a written report based on the agency's assessment of the information listed in 22 VAC 40-130-210 B.

~~C. Social history. The purpose of the history is to assist in determining the appropriate goal for the child and identify the services needed to reach the goal.~~

~~1. The study~~ K. A social history shall be completed within 30 days of placement and include the date it was completed received prior to placement in order to assist in determining the appropriate goal for the child and identify the services needed to reach the goal.

1. The licensee may utilize a social history provided by the placing agency if it is current within 30 days of application for placement.

EXCEPTION: See "J" of this section for an explanation of "current" for physical and dental examinations.

2. The licensee shall complete an addendum to the received social history if there have been any changes in the last 30 days.

3. If the social history from the placing agency is not current within 30 days, the licensee shall prepare a social history within 30 days of admission and place it in the child's file.

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~~2. Information shall be collected on the items listed below. If information on an items is not available, the explanation shall be recorded.~~ Social history information shall include:

~~3. The study social history shall cover:~~

a. Family structure, relationships, and involvement with the child;

b. The child's previous placement history, if any;

c. The child's developmental, educational, social, and medical history;

d. A description of the child's appearance;

e. Strengths and needs;

ef. Any emotional or, psychological, or psychiatric problems of the child, including strengths and needs, and professional treatment received, if applicable;

g. Psychological and psychiatric reports, if any;

h. The child's school history;

i. The education and occupation of parents; and

j. Background information from other sources such as court reports and previous social histories, if any;

k. The child's history as a victim of abuse or neglect, including history of pre-natal neglect or substance abuse by mother, if applicable; and

l. Family medical history as it relates to the suitability of the child for placement.

4. If information on an item is not available:

a. An explanation of what reasonable efforts have been made to obtain it within 30 days of placement; and

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b. An explanation why it is not available.

~~4. The worker shall:~~

~~a. Recommend long term goals and intermediate objectives;~~

~~b. Identify services needed to meet the objectives and goals; and~~

~~c. Make a recommendation as to the type of home best suited to the child. Siblings shall be placed together whenever possible unless it is clearly not in their best interest.~~

~~5. When a home is selected, the worker shall explain why it was chosen.~~

~~D.L. The child shall have Physical physical or and dental examinations.~~

~~1. A child shall have an examination by or under the direction of a licensed physician within the 90 days before placement. The licensee shall ensure that, prior to placement, the child has a medical report up-to-date according to the current federal Medicaid benefit known as Early Periodic Screening, Diagnosis, and Treatment (EPSDT). This includes:~~

~~a. The current "Virginia EPSDT Periodicity Schedule";~~

~~b. The most current "Recommended Childhood Immunization Schedule - United States"; and~~

~~c. Documentation that the child was screened or tested and, based on available information, can be considered free from tuberculosis in a communicable form.~~

~~2. The discharge summary from a hospital shall be acceptable for a newborn.~~

~~EXCEPTION: The 90-day requirement may be waived if~~

~~a. A report of an examination no more than a year old is available; together with~~

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~~b. A report of all medical treatment provided in the interim, and~~

~~c. The child has been in the continuous placement of a public or private agency.~~

~~2. When a child, accepted in an emergency, has not had an examination within 90 days before placement, he shall have one within 30 days after placement.~~

3. Each child ~~over three years~~ shall have had a dental examination ~~within 12 months before placement or within 60 days after placement.~~ by the third birthday or, if three years of age or older, according to the check-up schedule of the American Academy of Pediatric Dentistry.

4. Documentation of medical and dental exams shall be in the child's record.

5. If any medical or dental exam is not up-to-date at the time of placement, it must be up-to-date within 30 days after placement. Note: No violation will occur if there is documentation that the licensee made an appointment within 7 days of placement, but the first available appointment was more than 30 days after the placement.

~~E. School enrollment. The agency~~ M. When the licensee has custody of the child, the licensee shall:

~~1. Contact school authorities within five days of placement to arrange for the enrollment of each school-age child~~ Enroll any school-age child either within 72 hours of placement or by the end of the next day the school is open;

2. Provide to the school required enrollment documentation or written statement that, to the best of the licensee's knowledge, the child meets enrollment requirements and maintains a copy of the information in the child's record;

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3. Provide notification of placement to the principal and school division superintendent;

4. Notify the principal of the status of parental rights;

5. Notify the principal of any subsequent change in the status of parental rights within five business days; and

6. Document the enrollment, submission of documentation or statement, and notification of school officials in the narrative.

7. If a written statement was signed at the time of enrollment, the licensee shall provide the required documentation within 30 days of enrollment.

22 VAC 40-130-211. Acceptance of child and placement agreements.

~~F. A. Acceptance of a child from another agency.~~ When a child is accepted for placement from another child-placing agency ~~which~~ that is retaining custody:

1. The receiving agency shall obtain a placement agreement before placing the child. It shall cover the financial and other responsibilities of each agency, including the services each agency agrees to provide for the child, the ~~biological~~ child's family, and foster family.

2. The agreement shall also include:

a. Provisions for receiving consent for routine and emergency medical and dental care for the child;

b. Permission for out-of-state travel;

c. Permission, if necessary, for the child to participate in any fund-raising activities; and

d. Arrangements for enrolling any school-age child in school either within 72 hours of

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placement or by the end of the next day the school is open, provision of required documentation, provision of notification of placement to the principal and school division superintendent, and notification of the principal of the status of parental rights; and

e. Arrangements for notifying the principal of any subsequent change in the status of parental rights.

~~2.~~ 3. The agreement shall be signed by a person from each agency who has the authority to commit the agency to the provisions by the receiving agency and by the custodial agency or by the local department of social services when the placement is authorized through a noncustodial agreement with the parent or parents.

4. If changes are made, the agreement shall be amended and the changes signed or initialed by an appropriate person.

~~3.~~ 5. The referring agency, which retains custody, is required by §§ 16.1-281 and 16.1-282 of the *Code of Virginia* to send the court service plans for each child in its custody.

6. The receiving agency (licensee) shall obtain a copy of the service plan sent to the court or document its efforts to obtain one. It shall develop individualized service plan or plans compatible with the ~~goal~~ or goals in the plan sent to the court.

7. The licensee or certified agency shall cooperate with the custodial agency and allow the custodial agency access to the child at all times.

~~G.~~ B. Acceptance of a child from parent or parents or other individual. When accepting a child for placement from a parent or other individual holding custody, the ~~agency~~ licensee shall:

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1. Obtain an entrustment agreement (~~Exception: See 22 VAC 40-130-210 A 3~~); and follow the requirements of:

a. §§ 63.2-903 and 16.1-277.01 of the Code of Virginia; and

b. The Service Programs Manual, Volume VII, Section III, Chapter B, Foster Care, Section III, Chapter B, Foster Care, Section 3.5.2, "Temporary Entrustment Agreements".

2. Explain the agency's foster care program;

3. ~~Collect information for the intake assessment and social history which shall be recorded only under those headings;~~ Make provisions for the entity with custody to enroll the child in school within 72 hours of placement;

4. ~~Explain service plan, covering:~~

a. ~~Long term goals;~~

b. ~~Steps for their accomplishment;~~

c. ~~The case worker's responsibilities;~~

d. ~~The parent or other individual's responsibilities; and~~

e. ~~Date setting for intermediate and long term goals.~~

~~NOTE: Only the client's reactions should be recorded here; elements of the plan should be with the service plan itself.~~

4. Describe the contents of an individualized service plan;

5. Upon request provide the parent or legal guardian placing the child with written information about the agency's services;

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6. Document in writing discussion with the parents or guardians their long-term plans for the child, their responsibilities for the child, and the case worker's responsibilities; and

7. Provide an explanation of service planning to the parent or guardian and discuss their involvement in this process, as well as their plans for visitation and financial support.

22 VAC 40-130-212. Permanency and court service plans in foster care.

A. When the licensee holds custody of the child, a service plan shall be filed with the court within 60 days after the agency receives custody unless the court grants an additional 60 days, or the child is returned home or placed for adoption within 60 days.

B. When the licensee holds custody of the child, the licensee shall follow the requirements of:

1. Regulations promulgated by the State Board of Social Services related to service plans, dispositional hearings, permanency planning hearings, and foster care review hearings; and

2. The requirements of §§ 16.1-281 and 16.1-282 of the *Code of Virginia*.

3. The licensee must also comply with the permanency planning goals and the department's Service Programs Manual, Volume VII, Section III, Chapter B, Foster Care, Section 8, "Preparing the Initial Service Plan" and Section 10, "Reassessments, Reviews, and Re-Determinations."

C. The licensee shall:

1. Involve the child's parent or parents in the development of the foster care plan; or

2. Fully describe why the parent or parents were not involved.

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D. The licensee shall:

1. Involve the child in the development of the foster care plan; or

2. Fully describe why the child was not involved.

22 VAC 40-130-213. Individualized service plan.

~~H. Service plans in foster care. An agency shall prepare a service plan for each child in its care. The parents shall be consulted unless parental rights have been terminated.~~

~~Prior custodians or foster parents shall be consulted when appropriate.~~

~~1. Service plan requirement when the agency holds custody.~~

~~a. The plan shall be filed with the court within 60 days after the agency receives custody unless:~~

~~(1) The court grants an additional 60 days, or~~

~~(2) The child is returned home or placed for adoption within 60 days~~

~~b. The goal is to provide services that will lead to the child's placement in a permanent situation. Goals in order of priority are:~~

~~(1) Return to parents or prior custodians;~~

~~(2) Placement with relatives with planned transfer of custody;~~

~~(3) Adoptive placement;~~

~~(4) Permanent foster care; and~~

~~(5) Continued foster care or placement with relatives without transfer of custody.~~

~~c. Reports to the court are in two parts: A and B.~~

~~(1) Part A, only, shall be used if the goal is to return to the parents or prior custodians.~~

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It shall include:

- ~~(a) The services to be offered to the child and parents;~~
- ~~(b) The participation to be sought from the parent or parents or prior custodian or custodians;~~
- ~~(c) Visitation between the child and parent or parents or prior custodian or custodians;~~
- ~~(d) The type of placement being provided; and~~
- ~~(e) A projected date for the return of the child to the parent or custodian.~~

~~(2) If the agency determines that it is not likely that the child can be returned to the parent or parents or custodian within a reasonable period of time, both Parts A and B shall be used.~~

Part B shall include:

- ~~(a) The reasons the child cannot be returned to the parents or prior custodians;~~
- ~~(b) The goal selected;~~

~~It must be the highest feasible goal. The reasons a higher goal was not selected must be explained.~~

- ~~(c) A plan for attainment of the selected goal; and~~
- ~~(d) A projected date for attainment of the goal.~~

~~d. Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Preparing the Service Plan" shall be followed. These procedures are incorporated by reference and made a part of these regulations.~~

~~2. Service plan requirements when agency does not hold custody.~~

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a. ~~The plan shall include:~~

~~(1) The goal for the child;~~

~~(2) The services to be offered to the child and parents or prior custodians;~~

~~(3) The participation to be sought from the parents or prior custodians;~~

~~(4) The type of placement recommended for the child and how it relates to the goal; and~~

~~(5) The target date for achievement of the goal.~~

b. ~~The plan shall be completed within 60 days of placement.~~

A. When the licensee does not hold custody of the child, professional agency staff shall develop an individualized service plan within the first 60 days of placement in consultation with the placing agency, which shall include:

1. A list of the child's emotional, social, behavioral, educational, developmental, nutritional, medical, and supervision needs;

2. The goals to meet the child's needs and month and year projected for achievement of each goal;

3. The activities and services designed to meet the goals, including a description of how the licensee is working with related community resources, if any;

4. The permanency planning goals, plans for visitation with the family or other custodians, and plans for reunification of the child and the child's family, where appropriate;

5. Documentation in the child's record of the child's and parent's involvement in development of the individualized service plan or reasons for not being involved;

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6. A licensee approved plan for the child's supervision in the event of the foster parents' absence, including any supervision needs described in the service plan.

7. A licensee-approved plan for respite care;

8. For children age 16 and over, a description of the programs and services that will help the child's transition from foster care to independent living, where appropriate; and

9. The discharge plan including month, day, and year targeted for discharge from the program;

10. Based on the licensee's evaluation and work with the child and the child's family, it shall develop other areas to be addressed in the service plan, when applicable;

B. Parent or parents, prior custodians, or foster parents shall be consulted when appropriate. If not consulted, the licensee shall document the reason in the child's individualized service plan.

C. The individualized service plan shall be signed and dated by the staff person who completed the plan.

D. The licensee shall include and work with a child who has the ability to understand, the placing agency, in the development of the individualized service plan and provide a copy to the placing agency.

E. The licensee may provide a copy to the foster parents and the parents, where appropriate, and as long as confidential information is not released.

F. A licensee providing short-term placements is exempt from the requirements of 22 VAC 40-130-213 except for G, H, and I.

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G. Within 72 hours of placement, the licensee providing short-term placements shall develop and write a service plan for children to include a description of the child's needs, activities, and services to be provided during the placement;

H. The licensee shall provide supervision, training, support and guidance to foster families in implementing the service plan for the child.

I. The licensee shall arrange for and encourage contact and visitation between the foster child, his family, and others as specified in the service plan and as permitted by the court and the custodial agency.

22 VAC 40-130-214. Progress reports and ongoing service plans.

A. Progress reports shall be completed beginning 90 days after the date of the first service plan and every 90 days thereafter.

B. The report shall:

1. Include the month, day, and year covered;

2. Evaluate and describe progress in each specified area of need in the service plan;

3. Evaluate and describe any new or magnified area of need;

4. Include any changes to the goals, reasons for the changes, and month and year projected for attaining each goal;

5. Include a description of the activities and services provided during the previous 90 days;

6. Include any changes recommended to the list of needs, activities, and services to be provided during the next 90 days;

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7. Include contacts between the child and the child's family;

8. Include the child's assessment of his progress and his description of activities and services needed, where appropriate;

9. Include updated permanency planning goals, including plans for reunification of the family, or placement with relatives, if appropriate;

10. Document the child's and parent's involvement in development of the progress report;

11. For children age 16 and over, include the child's progress in attaining independent living skills, as appropriate; and

12. Include discharge plans.

C. Every fourth progress report shall address the above requirements as well as evaluate and update the service plan for the upcoming year.

D. The staff person who completed the report shall date and sign each progress report.

E. The licensee shall include each child who has the ability to understand in the preparation of the child's service plan and progress report or document the reasons this was not possible.

F. The child's comments shall be recorded in the report.

22 VAC 40-130-220. ~~Ongoing services~~ Contacts with child.

~~A. Visitation;~~

~~1. There shall be a face-to-face contact between the child-placing staff and the child every 30 days during the first year of placement in a foster home.~~

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~~2. Contacts every 60 days shall be in the placement setting.~~

~~3. If the child is in the same home after one year, the number of required contacts is still 12 per year but there may be 45 days between any two visits. Alternate required visits shall still be in the placement setting.~~

~~EXCEPTIONS:~~

~~A. There shall be a face-to-face contact between the case worker or a designated professional staff of the licensee and the child every 30 days, and more often as needed, to assess the child's progress, monitor service delivery, and allow the child to communicate concerns. Contacts every 60 days shall be in the home.~~

~~B. A description of all contacts shall be documented in the narrative.~~

~~C. Children who are able to communicate shall be interviewed privately once a month.~~

~~a. At least one face-to-face contact shall be made each quarter with a child in a group care facility.~~

~~b. D. Visits to children in the custody of a licensee and placed in permanent foster care shall be made at least every six months in accordance with Service Programs Manual, Volume VII, Section III, Chapter B, Permanent Foster Care Placement, June 1997 and more often if needed.~~

~~c. E. Youth who cannot meet the requirements for court-approved permanent foster care because they are over 18 but meet all other requirements and have been in a stable placement for a year, shall be visited at least every six months, unless the youth is in the licensee's approved independent living arrangement or in treatment foster care.~~

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(Part VIII (22 VAC 40-130-454 et seq. and Part XI (22 VAC 40-130-680)

~~d.~~ F. The licensee shall ensure that visits to children in out-of-state placements shall be the responsibility of are conducted by the agency supervising the placement in accordance with the provisions of this Chapter.

G. Another licensee or public child-placing agency that does not hold custody of the child may conduct visits; however, documentation must be provided and maintained in the child's record of the dates and substance of the contacts.

H. Unless specifically prohibited by the court or custodial agency, foster children shall have access to regular contact with their families as described in the service plan.

I. After consultation with the placing agency, the licensee shall work actively to support and enhance child-family relationships and work directly with families toward reunification as specified in the service plan.

B. Medical Care

22 VAC 40-130-221. Medical care.

A. The licensee shall ensure that all children in its care receive routine and emergency medical care.

1. Frequency of examinations. Children shall receive physical examinations according to the current federal Medicaid benefit known as Early Periodic Screening, Diagnosis, and Treatment (EPSDT). This includes:

a. The current "Virginia EPSDT Periodicity Schedule"; and

b. The most current "Recommended Childhood Immunization Schedule - United

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States."

~~a. The physician's recommendations for children under one year shall be followed.~~

~~b. Examinations for children over one year shall be no more than 13 months apart.~~

d. If the examining physician recommends it, examinations may be every two years for youths over 18.

2. Reports shall be signed by the physician, his designee, or an official of the local health department.

~~5.~~ 3. The "School Entrance Health Form" of the Department of Health or form with equivalent information may be used to meet the requirements for a medical examination.

~~3.~~ 4. All reports except the discharge summary on a newborn shall include the following when, at the discretion of the physician, they become appropriate to the child's age; unless the physician, his designee, or the official of the local health department recommends otherwise:

a. Immunizations given in the past 13 months or since the last examination;

b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions, and handicaps or disabilities.

~~4.~~ 5. The agency shall:

a. ~~arrange~~ Arrange for the child to receive recommended follow-up care; ~~as well as~~

b. ~~care~~ Arrange for care for illnesses or injuries; ~~and shall~~

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~~c. document~~ Document all such visits.

~~5. The School Entrance Physical Examination of the Department of Health or equivalent may be used to meet the requirements for a medical examination.~~

B. The licensee shall record all medications prescribed for each child and any reported side effects or adverse reactions.

~~C. Dental care. 1. Each child over three years shall have a dental examination within 13 months of the last examination and every 13 months after that~~ dental examinations according to the check-up schedule of the American Academy of Pediatric Dentistry.

~~2. 1.~~ The findings shall be signed by a licensed dentist or his designee.

~~3. 2.~~ The agency licensee shall arrange for the child to receive the recommended follow-up care as well as care for injuries or other conditions requiring attention between examinations.

~~D. Psychological and psychiatric care. In consultation with the placing agency, the agency licensee shall provide or arrange for a child to receive psychiatric or, psychological, and other clinical services if the need for them has been recommended or identified~~ or the service has been recommended.

EXCEPTION: If the agency licensee does not follow a recommendation, it shall explain in the record why following the recommendation would not be in the child's best interest.

22 VAC 40-130-223. Other responsibilities of licensee.

~~E. Clothing. The agency shall see that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season.~~

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~~F. Spending money. School-age children shall have an allowance.~~

A. When the licensee determines that it is in the child's best interest to move the child to another foster home, the licensee shall consult with the placing agency, or parent in the case of a parental placement, prior to the child's move, unless the move is necessary due to an emergency situation or due to child abuse and neglect. When the licensee cannot consult with the placing agency, or the parent in the case of parental placement, prior to moving the child, it shall do so within 24 hours of the move.

B. The circumstances surrounding the move of a child to another foster home shall be documented in the child's record before the end of the next business day after the move.

22 VAC 40-130-230. Narratives, ~~quarterly summaries and service plans~~ in the child's record.

A. Narratives shall be in chronological order and current within 30 days. ~~Entries may be in narrative form or recorded on a contact sheet.~~ They shall cover:

1. Casework treatment and services provided;
2. Contacts with the child, ~~parent or parents, and~~ the person or persons or agency holding custody if other than the parent, and collaterals; and;
3. Contacts made with others on behalf of the child;
4. Documentation of enrollment of each school-age child in school by the entity with custody of the child, including submission of required documentation and notification of school officials;

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5. Documentation of the amount and frequency of the allowance to be provided to each school-age child and written verification of its distribution at least every 90 days;

6. Documentation at least every 90 days of provisions to ensure that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season, and in good condition and written verification of suitability and condition;

7. Documentation of visitation and other contact between the child and the child's family;

and

38. Other significant events, if any.

~~B. Summaries and service plans shall be made quarterly. The date of the initial service plan is the beginning date of the first quarter.~~

~~1. The summary for the quarter shall evaluate the progress made in reaching the goal including:~~

~~a. Problems met and problems still existing or arising; and~~

~~b. An evaluation of:~~

~~(1) The services provided the child;~~

~~(2) The participation of the services offered the biological parents, if any;~~

~~(3) The participation of the foster parents; and~~

~~(4) The continued suitability of the goal and termination date.~~

~~2. The service plan for the next quarter shall cover:~~

~~a. Any changes recommended in the goal and termination date;~~

~~b. Services needed for the child and their availability;~~

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~~c. Contacts planned with the foster parents, school, biological parent or parents and other relatives; and~~

~~d. Progress anticipated during the coming quarter.~~

~~3. The fourth quarterly report shall also address subdivision 2 b, c and d for the next 12 months.~~

~~For recording in biological and foster family records, see 22 VAC 40-130-280.~~

22 VAC 40-130-240. ~~Termination of~~ Discharge from care.

A. ~~The closing narrative shall be completed within 30 days of termination~~ licensee shall complete a discharge report within 30 days of discharge and include:

1. The date and reason or reasons for the ~~termination~~ discharge;

2. The name or names of persons with whom the child has been placed or to whom he was discharged, including contact information; ~~and~~

~~43. A brief statement of what was accomplished~~ description of the services provided while the child was in care; ~~and~~

4. Progress made while the child was in care;

~~35.~~ Follow-up services, if any, to be provided to the child and family or guardian by the licensee; and

~~5.~~ 6. Recommendations for services if the child is discharged to another agency.

B. Discharge planning shall be developed with the child, the child's parents or guardian, if applicable, and the placing agency.

C. The parent or parents, unless parental rights have been terminated, or guardian shall

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be notified of the child's discharge from the program.

D. Children under the age of 18 shall only be discharged to the parent or parents, guardian, or agency having legal custody.

~~B.~~ E. Upon discharge a copy of medical and school records, and birth certificate if the agency licensee holds custody, shall be given to the parent or parents or receiving agency. Information shall be released, to a child who has reached 18 years of age in accordance with § ~~63.1-209~~ 63.2-104 of the *Code of Virginia* and documented in the child's record.

22 VAC 40-130-250. Permanent foster care.

~~A child-placing agency may place~~ Placement of a child in permanent foster care by a licensee shall be in accordance with:

- ~~1. §63.1-206.4~~ 63.2-908 of the *Code of Virginia*. ~~Agencies shall follow; and~~
- ~~2. procedures~~ Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, Foster Care, Section 7.5, "Permanent Foster Care."

~~22 VAC 40-130-260. Independent living arrangement.~~

~~Any agency may place a child in an independent living arrangement. Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Placing the Child in an Independent Living Arrangement" must be followed.~~

22 VAC 40-130-261. Foster family and foster home study; orientation.

A. The licensee shall conduct a thorough foster home study and determine approval or denial according to the requirements set forth in this Chapter. The licensee may have

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additional requirements at its discretion.

B. Information on the items in this section shall be gathered in order to assess the prospective foster parent's or parents' capacities as foster parents. If the home is approved, the information shall be used to determine the type of child that can successfully be placed in the home.

C. The licensee shall conduct interviews with all household members. Dates and content of interviews shall be documented in the home study.

D. There shall be a minimum of three face-to-face interviews with each applicant. At least one interview with a couple shall be together and one shall take place in the home.

E. Orientation provided during the home study process shall not count towards the required number of interviews.

F. The licensee shall request and obtain a minimum of three non relative references for the family who have knowledge of each prospective foster parent. Additional references may also be requested from relatives or others at the licensee's discretion.

G. A report of a medical examination by a licensed physician, his designee, or an official of a local health department of all members of the household shall be obtained. It shall include both mental and physical health. If difficulties are noted, specialists in the appropriate field shall be consulted. The exam shall contain:

1. An evaluation within twelve months prior to the approval of the current health of the individual, to include an evaluation of drug or alcohol abuse;

2. A statement that the individual was screened or tested and does not have

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tuberculosis in a communicable form including the date and type of test and the results.

a. If the test is positive, or no test is done, there shall be a written explanation by the physician, his designee or an official of the local health department.

b. Additional tests or screenings are not required unless the individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms;

3. An opinion as to whether or not the health of the individual will affect the care or present a hazard to the health of children; and

4. The signature of a physician, his designee or an official of the local health department.

H. The medical examination shall be updated if the licensee or licensing representative has concerns about the health of members of the foster family household.

I. A prospective foster parent shall be at least 21 years of age.

Exception: A prospective foster parent who is also a sibling, aunt, uncle, niece, or nephew of the child to be placed shall be at least 18 years of age.

J. The licensee shall consider the impact the age and stamina of a prospective foster parent and medical information indicating that the life expectancy of a prospective foster parent is less than the norm might have on the care of the child.

K. The licensee shall ensure that the foster home is in compliance with:

1. §§ 63.2-1719, 1721, 1722 and 1723 of the *Code of Virginia*; and

2. The regulation "Background Checks for Child Welfare Agencies" promulgated by the State Board of Social Services.

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L. The licensee shall verify transportation safety.

1. Every prospective foster home shall have available transportation

2. Each motor vehicle family members will use to transport the foster child shall have liability insurance.

3. Family members who will transport the child shall have valid drivers licenses.

4. The licensee may require the Department of Motor Vehicle records for any prospective foster parent or parents who are drivers and other drivers in the home who are expected to transport children. The licensee may require a re-check of these records if the licensee or certified agency believes it is necessary or upon request of the licensing representative.

5. The prospective foster parent or parents shall disclose any moving violations in the previous three years.

M. If there have been previous marriages, the licensee shall verify that the most recent divorce from the spouse is final.

N. The licensee shall discuss the employment history of each prospective foster parent and assess his management of income and financial resources in relation to expenses.

O. The prospective foster parent or parents shall have sufficient income and financial resources to care for the child and assure continuing maintenance of the family.

P. The licensee and prospective foster parent or parents shall develop a plan of child care and financial resources if the foster parent or parents are approved and later become incapacitated.

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Q. If the licensee is aware that a prospective foster parent has previously applied to be a foster or adoptive parent through another agency, the licensee shall request information from the prospective foster parent or parents about their previous application.

R. The prospective foster parent or parents shall sign a statement that they will neither use corporal punishment on any child placed in his home nor give others permission to do so.

S. The licensee shall conduct an assessment of the motivations, expectations, commitment, and abilities of the prospective foster parent or parents. The licensee shall also ensure that the following areas are covered in its assessment and document the basis for its conclusions:

1. Family relationships, to include how members of the household resolve conflicts and express affection, and relationships with children living outside of the home;

2. Extended family, social, and community relationships;

3. Stability of the marriage in relation to its length, where applicable;

4. Each prospective foster parent's experiences with children and as children, including childhood relationships with parents, siblings, and peers;

5. The interests and activities of family members, including a judgment as to whether or not the general patterns of family life will accommodate a child;

6. The value system of the family and the ability to accommodate children of a different religion, culture, and/or ethnicity;

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7. Discipline of children to include:

a. The discipline the prospective foster parent or parents received as children;

b. Current disciplinary practices, if applicable;

c. Opinion and attitudes towards discipline; and

d. Discipline techniques to be used with a child placed in the home.

8. Willingness to assist in the service plan;

9. Education and attitudes towards education;

10. Willingness to work with the school and all other professionals who are involved in the care of the child;

11. Willingness to provide adequate drinking water and meals and snacks appropriate to daily nutritional needs and in accordance with diets prescribed by a licensed physician or in accordance with religious or ethnic requirements or other special needs;

12. Ability to communicate effectively, both orally and in writing, as applicable to the parenting and regulatory compliance responsibilities. If the prospective foster parent or parents have limited English-speaking ability, their willingness to increase proficiency in the English language;

13. Attitudes towards birth parents and towards working with the licensee;

14. Age, sex, and type of child desired; and

15. Supervision arrangements when the prospective foster parent or parents will be out of the home.

T. The prospective foster parent or parents shall participate in a face-to-face orientation

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describing permanency planning and the importance of concurrent planning.

U. The licensee shall assess and approve the residence and surrounding area prior to approving a foster parent or parents. The following areas shall be included in the licensee's assessment:

1. Residence and surrounding property is free of hazards to the health and safety of children, is clean, includes space for recreational activities, and is in good physical repair.

2. Rooms used by children are well-lighted for activities and safety.

3. There is a written emergency evacuation plan in case of emergencies. The plan includes contacting 911 or another local emergency source to seek assistance from fire and rescue professionals.

a. The prospective foster parent or parents agree to rehearse the plan with children every month.

b. The prospective foster parent or parents agree to review the plan with each child who is developmentally able to understand within 48 hours of placement.

4. All attics and basements used by children shall have two emergency exits, one of which leads directly outside.

5. The home has an operable heating and ventilation system and all doors and windows used for ventilation are appropriately screened.

6. Possession of any weapons, including firearms, in the home must be in compliance with federal and state laws and local ordinances.

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7. Firearms shall be kept unloaded and firearms and ammunition shall be locked in separate secure locations.
 - a. The safety mechanisms shall be activated.
 - b. Any glass cabinets used to store any weapons, including firearms, shall be shatter-proof.
8. The key or combination to the locked locations shall be inaccessible to all children in the home.
9. Children over the age of two shall sleep in a separate bed and bedroom from the foster parent, unless the licensee has approved this plan based on the child's documented needs, disabilities, or other conditions.
10. There shall be at least 70 square feet in a room occupied by one child and at least 50 square feet for each child in a room shared by two or more children.
11. Children under five years of age, and children with insufficient cognitive or physical ability, shall not use the top bunks of bunk beds.
12. There are separate bedrooms for children of opposite sex over age two and children over age two shall sleep in separate beds.
13. Children's bedrooms are not be used as passageways and shall have doors for privacy.
14. Children's bedrooms have closet or drawer space, or both, for clothing and personal possessions of children over two years of age.
15. There is adequate space and equipment for food preparation, service, and proper

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storage.

16. Cleaning supplies and other toxic substances are stored away from food, secured, and out of the reach of children who are developmentally unable to understand the dangers associated with these substances.

EXCEPTION: Where appropriate, adolescents may have access to and may use cleaning supplies.

17. The prospective foster parent or parents shall have a working telephone in the home at all times.

18. The presence of pets shall be documented.

19. Children are protected from household pets.

20. Animals are kept in compliance with Title 3.1, Chapter 27.4 of the *Code of Virginia* and local ordinances.

21. The prospective foster parent or parents shall have first aid supplies easily accessible in case of accidents

22. The prospective foster parent or parents shall agree to permit an inspection of the home's private water supply and sewage disposal system by the local health department if conditions indicate a need for approval and the licensee or the licensing representative requests it.

22 VAC 40-130-265. Approval or disapproval.

A. The licensee shall recommend approval or disapproval based on a careful assessment of information received through the home study process, and the

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prospective foster parent's or parents' participation in the home study process, including orientation.

B. The decision to approve or deny shall be made by:

1. A child-placing supervisor;

2. A licensee staff with the qualifications of case work supervisor; or

3. In a staff meeting in which a case work supervisor or equivalent is present and in agreement.

C. The date of the decision shall be recorded in the prospective foster parent's or parents' record.

D. If approval is recommended, the worker shall recommend the age, sex, number based on sex and appropriate bed space, and behavioral and other characteristics of children whom the licensee deems can successfully be placed and give the basis for the recommendation. Foster parent preference shall be considered in reaching the recommendation.

E. The prospective foster parent or parents shall be informed in writing within one week of the approval or disapproval decision and offered an interview to have the licensee's denial explained.

F. The home study shall be written and the home approved before a child is placed.

G. The total number of children in the foster home shall not exceed eight, including the foster parent's or parents' own children or other children in the home. The total capacity of the home may be less if physical accommodations are not adequate, the capabilities

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and skills of the parent or parents are not sufficient to manage the maximum number of children, or other individuals in the home require special attention or services of the parent or parents.

EXCEPTION: When placement of a sibling group in one home is in the best interest of the siblings, the total may exceed eight if the needs of all children in the home can be met.

H. The licensee shall provide to the foster parent or parents the following services and requirements following approval:

1. Pre-placement training, in addition to first aid and cardiopulmonary resuscitation training;
2. On-going training;
3. Written procedures for handling emergencies during and outside the agency's regular office hours; and
4. Prior to any placement, assistance in making an informed decision as to whether the foster home can meet the needs of a particular child and the right to refuse the placement if they feel it is inappropriate or may be a danger to any child currently in the home.

I. The licensee shall document the provision of these services and requirements and place the documentation in the foster home record.

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22 VAC 40-130-268. Training for foster parents.

A. Prior to a child being placed in the home, all approved foster parents shall satisfactorily complete pre-placement training in addition to first aid and cardio-pulmonary resuscitation training.

B. The training curriculum shall be written and include but not be limited to:

1. Information about the strengths and needs of children and their families who require family foster care services;

2. Information about the impact of separation and loss for all parties involved in family foster care;

3. The laws, regulations, policies, procedures, and values that direct the licensee's foster care program;

4. The licensee's policies on acceptable methods of control, supervision, and discipline;

5. The knowledge and practice skills necessary to be a foster parent, including behavior management;

6. The impact of fostering on foster parents, their children, and all aspects of their family life;

7. Knowledge and understanding of the specific types of children served by the agency and the services these children will need;

8. Mandated reporting of child abuse and neglect;

9. Attachment and bonding issues;

10. The care of children with pre-natal drug exposure or other medical needs, when

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applicable;

11. Awareness of behavioral and emotional signs that should be reported to the licensee, foster parent's responsibilities to report these and any other concerns to the licensee;

12. Methods for sharing this information; and

13. Preparation for each individual child prior to placement in the home.

C. The licensee shall provide annual on-going training for foster parents.

D. Foster parents shall be consulted on their training needs.

~~22 VAC 40-130-270. The foster family.~~

~~A. The foster home study. Information on the items listed below shall be gathered in order to assess whether or not it would be a suitable foster home, and, if so, what types of children would fit into the home.~~

~~1. The foster parent or parents shall be at least 18 years old.~~

~~2. Workers shall see marriage licenses for couples applying to be foster parents. If there have been previous marriages, the worker shall ascertain that divorces from the former spouses are final.~~

~~3. Health.~~

~~a. Each permanent member of the household shall obtain a report signed by a physician, his designee or an official of the local health department containing:~~

~~(1) An evaluation of the current health of the individual;~~

~~(2) A statement that the individual does not have tuberculosis in a communicable form~~

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~~including the date and type or types of test or tests and the results;~~

~~If the test is positive or no test is done, there shall be a written explanation by the physician.~~

~~(3) An opinion as to whether or not the health of the household member will affect the care of foster children.~~

~~b. Additional tests are not required unless:~~

~~(1) The individual comes in contact with a known case of tuberculosis; or~~

~~(2) Develops chronic respiratory symptoms.~~

~~For either of these symptoms, he must be evaluated according to subdivisions 2 a (2) and 2 a (3) of this subsection.~~

~~c. At the request of the agency or the licensing representative, an examination shall be obtained when there are indications that the safety of the children in care may be jeopardized by the physical or mental health of a household member.~~

~~The agency shall plan for the immediate removal of the child or children if the examination reveals that their safety might be in jeopardy.~~

~~4. Income and financial resources of the foster family shall be sufficient to assure continuing maintenance of the foster family. If there is an amount in the agency's monthly payment above that required for the needs of the child, it may be counted as income.~~

~~5. Child care if parents are employed. When a single foster parent or both parents are employed, there shall be plans approved by the agency for the care of the child during~~

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~~their absence.~~

~~6. CPSIS and Division of Motor Vehicles checks.~~

~~a. Persons applying to be foster parents and other adult members of the household shall consent to a search of the Child Protective Services Central Registry (CPSIS).~~

~~(1) The agency shall use the form provided by the registry and follow the instructions thereon.~~

~~(2) A search must be done for the initial approval and may be repeated if the child-placing staff believes it necessary.~~

~~(3) The home shall not be used if an adult in the household has a founded or unfounded reason to suspect child abuse or neglect record.~~

~~NOTE: The Central Registry name is to be changed from CPSIS to CANIS (Child Abuse and Neglect Information System) in the early fall of 1989. The method of judging injury to children is to be changed. Agencies will be sent information on the changes when they occur.~~

~~b. Persons applying to be foster parents shall consent to a check of Department of Motor Vehicles records if the agency thinks it is needed. The agency may require consent to a check after a home is in use if it appears to be needed.~~

~~7. Residence and surrounding area.~~

~~a. The home shall have:~~

~~(1) A working telephone;~~

~~(2) Screens on all doors and windows used for ventilation;~~

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- ~~(3) Some method of ventilation for the rooms where children sleep;~~
- ~~(4) Closet or drawer space or both for clothing and personal possessions of children over two years;~~
- ~~(5) Separate beds for each foster child except that two siblings of the same sex may share a double bed;~~
- ~~(6) A written plan for evacuation of the home in case of fire.~~
 - ~~(a) The worker shall review the plan during the initial home study and at the time of the reevaluation if the family has moved.~~
 - ~~(b) The foster parents shall review the plan, with any child old enough to understand, within five days of placement. This requirement shall be in the foster home agreement or other document signed by the foster parent.~~
- ~~b. If the family possesses firearms, they shall be stored in locked cabinets or locked areas not accessible to children. Ammunition shall be stored in a locked place separate from the firearms.~~
- ~~c. There shall be an assessment of the following based on the worker's observations and discussion with the applicant or applicants:~~
 - ~~(1) The availability and use of sleeping space;~~
 - ~~(2) The availability of play or recreation areas appropriate for the ages of children to be placed;~~
 - ~~(3) The availability of study areas if school age children are to be placed;~~
 - ~~(4) Housekeeping standards; and~~

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~~(5) The neighborhood and the accessibility of applicable community facilities.~~

~~8. Interviews with family members.~~

~~a. There shall be a minimum of three face-to-face interviews with each foster parent, including at least one joint interview in the home.~~

~~b. All other members of the household shall be interviewed face-to-face at least once.~~

~~c. The following areas shall be covered:~~

~~(1) Each applicant's reasons for and expectations of becoming a foster parent;~~

~~(2) Each applicant's parenting skills, understanding of types of children to be placed, prior experiences with children, attitudes toward natural parents and toward working with the agency;~~

~~(3) The abilities of all members of the household to accept a foster child including their experiences in sharing with and caring for children not related to them;~~

~~(4) The social and academic adjustment of the applicant's children such as peer relationships, grade placement, and school performance;~~

~~(5) Family relationships including marital;~~

~~(6) General patterns of family life; and~~

~~NOTE: The purpose of recording the patterns is to assess how a child will fit into the usual routines or activities of the household.~~

~~(7) The applicant's relationships with extended family and friends.~~

~~9. References. At least three references for the family shall be obtained.~~

~~10. Worker's recommendations.~~

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~~a. The child-placing staff shall recommend approval or disapproval of the home. The date of the action shall be recorded.~~

~~b. Applicants shall be informed within a week of approval or disapproval.~~

~~c. The worker shall recommend the type, number, age and sex of children that can successfully be cared for in the home. Foster parent or parents preferences shall be taken into consideration.~~

~~11. The foster home study shall be written and the home approved before a child is placed.~~

~~B. Foster home capacity. The total number of children in the foster home shall not exceed eight including the parent's own children.~~

~~EXCEPTION: When placement of a sibling group in one home is in the best interest of the siblings, the total may exceed eight.~~

~~C. Services and requirements following approval.~~

~~1. The agency shall have a plan of orientation for each newly approved foster family.~~

~~2. The agency shall provide the foster family with written procedures for handling emergencies during and outside the agency's regular office hours.~~

~~3. Prior to placement the family shall be assisted to make an informed decision as to whether a particular child is appropriate for them.~~

~~4. The agency shall have a written foster home agreement with the family for each child in care.~~

~~a. The agreement shall be signed on or before the date the child is placed in the home.~~

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~~b. The agreement shall include:~~

~~(1) The payment for foster care;~~

~~(2) Payment for other expenses;~~

~~(3) Arrangements for medical care;~~

~~(4) Arrangements for the provision of clothing;~~

~~(5) Arrangements for spending money for the child;~~

~~(6) Arrangements for visits by parents;~~

~~(7) An agreement not to use corporal punishment or give others permission to do so;~~

~~EXCEPTION: If the agency prefers, it may substitute a written policy statement containing the prohibition which foster parent or parents shall sign saying they have read and will follow to the best of their ability.~~

~~If a statement is substituted, it needs to be signed only at the time of the first placement.~~

~~It shall state that it applies to any child placed by the agency.~~

~~(8) A clear statement that the agency has the right to remove the child when it considers it in the child's best interest; and~~

~~(9) A statement that the foster family has the right to receive the support and assistance of agency staff at all times in relation to the child's care in the home.~~

~~D. Re-evaluation of foster homes. The agency shall re-evaluate the foster home after one year and every two years after that covering the topics in the initial home study.~~

~~The re-evaluation shall take place in the home. The visit shall be made when both parents can be present. The re-evaluation may be done at the time of one of the regular~~

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~~home visits.~~

~~NOTE: A form may be used to indicate those areas in which there has been no change.~~

~~The same form may be used to note changes that have occurred and to cover items listed in subdivisions 1 through 5 of this subsection providing there is space for an explanation.~~

~~The re-evaluation shall also cover:~~

- ~~1. A brief description of the adjustment of each child placed in the home since the last evaluation;~~
- ~~2. An evaluation of the performance of the foster parents addressing:
 - ~~a. Their ability to relate to the children;~~
 - ~~b. Their ability to help children reach their goals;~~
 - ~~c. Skills in working with particular types of problems; and~~
 - ~~d. Their ability to work with the agency in meeting the needs of a child.~~~~
- ~~3. The relationship between the children and the family members. Family members shall be mentioned by name but may be listed together if one statement applies to all;~~
- ~~4. The stability of the home and any problems or significant changes that have occurred in the family since the last evaluation; and~~
- ~~5. Worker's recommendations regarding continued use of the home, and age, sex, types and number of children which home can handle successfully.~~

22 VAC 40-130-271. Foster home agreement.

A. The licensee shall have a written foster home agreement with the family for each

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child in care.

B. The foster home agreement shall state the date the approval of the home begins and ends.

C. The foster home agreement shall be signed by the licensee and the foster parent or parents on or before the date the child is placed in the home and shall include statements by the foster parent or parents agreeing:

1. To cooperate with staff of the licensee in implementing the plan for the child's care including return to the birth parent or parents, facilitation of an adoptive placement, or re-placement in foster care;
2. To accept supervision of the child by the licensee;
3. That the licensee retains the right to remove the child from the home at any time the licensee deems removal to be in the best interest of the child;
4. To give advance notice to the licensee if the foster parent or parents decide to discontinue providing foster care;
5. To accept only children from or approved by the licensee while the child is in care;
6. To keep confidential all information shared by the licensee about the child;
7. To maintain close contact with licensee staff regarding matters of significance relating to the adjustment and welfare of the child;
8. To abide by the licensee's visiting plan for the child and birth family;
9. To report to the licensee any change in the composition of the family or household, any serious illness in the household; and all illnesses, injuries, and significant behavioral

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changes involving the child;

10. To report any criminal investigations and convictions, child protective service investigations and findings of child abuse and neglect, and any motor vehicle offenses of any member of the household;.

11. To abide by the licensee's policies relating to preventive medical care as well as non-emergency and/or emergency care in the event of the child's illness or injury;

12. To notify the licensee of vacation plans in advance in order to allow either temporary alternative placement of the child or sufficient time to secure proper authorization if vacation plans include the child;

13. Neither to use corporal punishment on the child nor give others permission to do so;
and

14. To participate in an agreed upon English language development program, if they have limited English proficiency.

D. The child-placing agency foster home agreement shall include a statement by the foster parent or parents understanding the right to receive the support and assistance of licensee staff at all times in relation to the child's care in the home.

E. The foster home agreement includes the licensee's agreement to:

1. Place a specific child with the foster parent or parents;

2. Provide information about the child relating to current behavior functioning, including strengths, talents, and problems, as well as the expected duration of care; and

3. Pay the foster parent or parents by a specified method by a certain date each month

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for specified services.

F. The agreement shall include a statement that the foster parent or parents agree to immediately report any suspected abuse, neglect, or exploitation to the local department of social services or hotline and to the licensee.

G. The licensee and respite care foster parents shall sign the foster home agreement for respite care prior to placement.

H. The licensee may attach additional requirements to its foster home agreement.

22 VAC 40-130-272. Repeat evaluations of foster homes.

A. The licensee shall evaluate the foster home every 24 months, using the topics in the initial home study.

B. The evaluation shall take place in the home and the visit made when the parent or parents can be present.

1. When one foster parent cannot be present due to employment which requires extended absence from the home, such as military duty, there shall be a telephone interview, if possible, with the absent foster parent, and the evaluation shall be conducted with the foster parent who is present in the home.

2. The reason a telephone interview with the absent foster parent is not possible shall be documented.

3. The absent foster parent shall be interviewed within 14 days of return to the home.

C. The licensee shall evaluate pertinent standards whenever there is a change in physical location, marital status, or household composition.

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D. The licensee shall make a re-determination about continued approval of the foster parents relative to the change.

E. The medical examination shall be updated if the licensee or the licensing representative has concerns about the health of a member of the household.

F. The licensee shall plan for the immediate removal of any foster children if the examination reveals that their safety or health might be in jeopardy.

G. The evaluation shall also cover (i) a brief description of the adjustment of each child placed in the home since the previous evaluation, (ii) the reason for removal of any children from the home during this time period, and (iii) an evaluation of the performance of the foster parents addressing their ability to relate to the children and to help children reach their goals including, but not limited to:

1. The foster parents' skills in working with particular types of problems;

2. The relationship between the children and the family members, the stability of the home, and any problems or significant changes that have occurred in the family since the last evaluation; and

3. Their ability to work with the licensee and with the birth parent or parents in meeting the needs of a child.

H. The licensee may require a drivers record from the Department of Motor Vehicles on any new drivers in the home if they are to transport foster children, and shall re-check these records upon request of the licensee or licensing representative.

I. The licensee shall make a recommendation regarding continued use of the home,

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further training needs of the foster parent or parents, and age, sex, number based on sex and appropriate bed space and behavioral characteristics of children that the home can successfully manage.

22 VAC 40-130-275. Respite care.

A. The foster parent or parents shall have access to both planned and crisis respite care for foster children placed in the home.

B. Respite care shall be provided only in foster homes that have been selected and trained according to these standards.

C. Respite providers shall be informed of the child's service plan and assisted in the implementation of this plan.

D. The licensee and respite care foster parent or parents shall sign the foster home agreement for respite care prior to the provision of respite care.

22 VAC 40-130-280. Requirements for foster care records.

A. The agency licensee shall maintain a record for the child, the biological family birth family, and the foster family home that is indexed indicating the organization and documentation in the record. The biological birth family record may be a part of the child's record.

~~A. The child's record. The record shall include:~~

~~1. A face sheet completed within five working days of placement, with the following information:~~

~~a. For the child: birth date, place of birth, sex and race and source of this information;~~

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~~b. For the biological parents: full names, address or addresses, telephone numbers, if available, and marital status;~~

~~c. For siblings: names, and addresses, if available;~~

~~d. Names, addresses and telephone numbers of person or persons or agency holding custody; and~~

~~e. Names and telephone numbers of persons to be contacted in an emergency, and~~

~~2. Other material pertaining to a child in foster care as required by this Chapter.~~

B. All entries shall be:

1. In chronological order;

2. Dated;

3. Identify the person making the entry; and

4. Be typed or legibly handwritten in ink.

C. The licensee shall maintain a case record for each child including:

1. All services provided to the child;

2. The placement agreement between the placing agency and the licensee or the entrustment agreement between the legal guardian and the licensee; and

3. If the licensee has offices in more than one location, the office that provided the service;

4. A face sheet completed within five working days of placement that includes personally identifying information to include:

a. The child's name, birth date, place of birth, Medicaid number (if applicable), and

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Social Security Number, if known;

b. A written description of the child's appearance and a photograph no more than six months old at the time of the child's placement;

c. Parents' names, addresses, marital status, telephone numbers, Social Security numbers, if available, and the same information about grandparents, close relatives, and siblings, when known;

d. Names of persons forbidden to call or visit the child;

e. Names, addresses, and telephone numbers of person or agency holding custody;

f. Names and telephone numbers of persons to be contacted in an emergency;

5. Intake assessment information identified in 22 VAC 40-130-210 B;

6. Social history information identified in 22 VAC 40-130-210 K;

7. Copies of foster home placement agreements, agreed upon plans of discipline, and authorization for routine and emergency medical and dental care and for out-of-state travel and overnight sleepovers with friend(s) of the child, participation in special activities, publicity releases;

8. Except for short-term placements, the child's birth certificate, if possible;

9. Ongoing school and educational records, except for short-term placements;

10. Ongoing medical and dental treatment, except for short-term placements;

11. Clinical treatment including progress notes and psychological or psychiatric evaluations, except for short-term placements;

12. Service plans, progress reports if the child has been in a placement long enough for

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these reports to be required, and discharge report, if applicable;

13. Names, addresses and dates of all placements the child has had while in the licensee's care;

14. All correspondence related to the child;

15. Narrative, including all information identified in 22 VAC 40-130-230;

16. Documentation of any serious incidents, accidents, or injuries;

17. Reason for and date of closure, if applicable;

18. Documentation of information given to a child who has reached 18 years of age, if applicable; and

19. Other material pertaining to a child in foster care as required by these standards, and any other applicable standards and laws.

D. Information that has been gathered on previous foster families, and services provided to them, shall be documented in the record of the previous foster family and cross-referenced in the child's current record.

~~B. The biological parent's record. The record shall contain:~~

E. The birth family's record shall contain cross-references to the child's record, unless it is a part of the child's record, and include:

~~1. A face sheet with the following information:~~

~~a. Names, addresses and marital status of the biological parents;~~

~~b. Members of the biological family and their whereabouts with addresses and telephone numbers when available; and~~

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~~c. Cross-references to the child's record.~~

a. Names, addresses, telephone numbers and marital status of the parents and addresses; and

b. Telephone numbers of other members of the family when available;

2. A chronological narrative or summary of contacts with and services provided to the family. ~~It shall include visits of~~ including visits between the birth parents ~~with~~ and the child ~~and visits, or attempts to visit, with the parents;~~ and

3. Material relating to ~~biological~~ birth parents as required by this Chapter and applicable laws.

~~C. F.~~ The foster home record. ~~The record~~ shall contain:

1. A face sheet listing all members of the household, including their dates of birth, sex, and their ~~relationship~~ relationships to the foster parent or parents;

2. The face sheet shall be updated whenever there is a change;

2 3. The agency licensee application for form completed by the foster parents;

4. The date of approval and the approval period;

35. A record of orientation and training provided to the foster parents;

~~NOTE: A form listing the training offered by the agency may be filed in the record.~~

~~When the parent or parents complete a course, the date may be entered on the form.~~

46. A narrative account of the preparation of the foster family for each child placed with them it;

57. A list of the children placed including names, birth date or age, dates of placement

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and removal, and reasons for removal;

~~78. Other material required for foster home studies by this chapter.~~ The foster home study and all material required for the home study;

~~69. Copies of all foster home agreements~~ A copy of the foster home agreement and the agreed upon plans of discipline for each child placed in the home;

10. Documentation of services provided to the foster parent or parents;

11. Documentation of all complaints involving the foster parents, including the agency's investigation report with findings and police and child protective services' involvement;

~~812. Reevaluation~~ Evaluations of the foster home, and;

~~9. When applicable, date and reason for closure.~~

13. A narrative identifying any concerns that may arise about the foster home after initial approval and prior to any required repeat evaluations and resolution of concerns;

14. When applicable, date and reason for closure; and

15. Other material pertaining to the foster family, as required by this Chapter, and any other applicable standards and laws not identified elsewhere in this Chapter.

PART V.

ADOPTION SERVICES.

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22 VAC 40-130-289. Requirements to provide adoption services in Virginia.

A. In addition to Parts I, II, III, VI, IX, and X, the standards in this part shall be met to obtain a license to provide adoption services in Virginia. The standards in Part IV shall be met if the licensee will also provide foster care services. Individuals or agencies, in or out of the state or out of the country, may obtain these services legally in Virginia only from a licensed child-placing agency or local department of social services.

Requirements for caseloads and capacity may be found in 22 VAC 40-130-130.

B. The licensee shall be responsible for maintaining compliance with all related laws in Virginia.

22 VAC 40-130-290. Program ~~statement~~ description.

~~A. Child-placing agencies~~ A licensee authorized to provide adoption services in Virginia shall have a statement describing comprehensive written description of their services, organizational structure, policies, and record-keeping procedures including:

1. The purpose of the adoption program, including the geographical area to be served;
2. An open admissions policy included in all brochures and materials used for advertisement or distributed to the public, if federal or local social service agency public funds are involved, stating that:

a. It shall state that the The program is open to all children without regard to race, color, national origin or sex;

b. It shall say also that children Children with handicapping conditions disabilities will be accepted if their needs can be reasonably accommodated- ; and that

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c. Race, color, or national origin shall not be the sole factor in determining the best placement of the child.

~~The statement shall describe the population to be served.~~

3. Qualifications for adoptive families;

4. A description of the study, approval, and selection process for adoptive families; including orientation and training offered by the agency and policy regarding fees;

~~5. A list of services provided to children, biological families and adoptive families prior to the final order of adoption;~~

5. A general description and written copy of the orientation and training given to any prospective adoptive parent or parents;

6. A description of the population to be served and a list of services, including adoptive family preservation services, provided to children, biological birth families, and adoptive families prior to the final order of adoption;

~~6.~~ 7. A list of services provided after the final order, either directly or by referrals, to adopted children and families;

~~7.~~ 8. A description of services provided to adult adopted persons; and

~~8.~~ 9. A description of the responsibilities and workload of agency staff-;

10. A copy of the licensee's policy regarding fees for all services offered;

11. A description of intercountry services and identification of the licensee's roles and responsibilities regarding the provision of these services;

12. A description of the licensee's parental placement adoption services, if applicable,

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and identification of the licensee's roles and responsibilities regarding the provision of these services;

13. The requirements for the organization and contents of the child's case record, to include all required documentation; and

14. A description of specific pre-placement and ongoing training topics for adoptive parents.

~~B. The program statement description or a summary description shall be given to agencies or individuals who ask about the services of the agency request services from the licensee or request a copy.~~

~~C. A copy shall accompany the initial application for a license.~~

~~D. The program statement shall be updated when changes are made and a copy sent to the licensing representative.~~

22 VAC 40-130-300. ~~Intake.~~ Services to birth parents contemplating placing their child for adoption.

~~A. Services to biological parents contemplating placing their child for adoption.~~

2. A. Alternatives to adoptive placement shall be discussed with the birth family,

including:

~~a.~~ 1. Services to help the birth family stay together, if it is in the best interest of both the child and the family;

~~b.~~ 2. Temporary foster care; and

~~c.~~ 3. Placement with relatives.

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1. ~~B.~~ ~~While parents may have decided to place their child for adoption before coming to the agency~~ If the birth parents decide to place their child for adoption, counseling sessions shall be offered to assure ensure that:

~~a.~~ 1. The decision ~~was not~~ is not being made under duress; and

~~b.~~ 2. The decision is ~~firm~~ informed;

3. There is an opportunity to discuss the reasons for the decision; and

4. The birth parents are aware of the potential lifelong impact of placing a child for adoption on themselves, the child, and other family members.

~~3.~~ C. Additional counseling sessions shall be offered as needed, and documented.

4. D. If either of the parents was not offered counseling, the ~~worker~~ licensee shall record the reason or reasons.

5. E. Agency Licensee adoption services shall be explained to the birth parents and shall include licensee policies and procedures, the adoption process, and the rights and responsibilities of all parties.

F. The licensee shall:

1. Document the services offered to the birth parents and the dates the services were offered; and

2. Their responses, including reasons why each alternative was not chosen.

~~6.~~ G. If the parents choose adoption, the ~~agency~~ licensee shall secure a termination of parental rights in accordance with: ~~termination procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "How Terminating Parental Rights are~~

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~~Terminated.”~~

1. §§ 63.2-903, 16.1-278.3, and other relevant sections of the *Code of Virginia* related to termination of parental rights, which process shall be explained to the birth parents; and

2. The Service Programs Manual, Volume VII, Section III, Chapter B, Foster Care, Section 9.5.5, “Terminating Parental Rights.”

22VAC 40-130-301. Authority to place.

~~B. Authority to place.~~

A. The agency licensee shall have the authority to place a child ~~either in~~ in either a foster or adoptive home.

1. ~~An agency~~ A licensee may place a child in a foster home with:

a. ~~A court commitment~~ Commitment by any court of competent jurisdiction;

b. A permanent entrustment by the parent or parents or other person holding custody;
~~or;~~

c. A temporary entrustment by the parent or parents or other person holding custody;

~~(The agency shall petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days.;~~) pursuant to §§ 63.2-903, 63.2-

1817, and 16.1-277.01 of the *Code of Virginia*; or

d. A placement agreement from an agency holding custody.

2. To place a child for adoption, ~~an agency~~ a licensee shall have:

a. A permanent commitment with termination of parental rights from the court; ~~or~~

b. A permanent entrustment by the parent or other person holding custody; (Note: A

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child coming into care through permanent entrustment is eligible for federal or state subsidy (~~Title IV-E, Adoption Assistance~~) if: as provided in 22 VAC 40-130-365,

Adoption Assistance) if; or

~~(1) The court finds that remaining in the home would be contrary to the welfare of the child, and~~

~~(2) The child has been living with the parent or parents within six months of the initiation of court proceedings.~~

~~The agency should consult with the local departments of social services to determine whether other relatives would be acceptable.~~

~~In order to conserve state funds, agencies should do everything possible to make a child eligible for IV-E if he or she is likely to need subsidy. Permanently entrusted children who are not eligible for subsidy are, however, eligible for state subsidy. State and local funds pay for the same needs and services for the child.~~

c. Transfer of custody from another agency. Agency transfer requires court approval.

B. The licensee shall comply with §§ 63.2-904, 63.2-1200, 63.2-1221-1226, 63.2-1817, and 63.2-1819, of the *Code of Virginia*.

C. When two agencies are participating in the placement of a child for adoption, the agencies shall develop a child-specific, mutually acceptable written agreement that:

1. Outlines the roles and responsibilities of each agency;

2. Assures open communication between the participating agencies;

3. Addresses the procedures for resolving cases where there is disagreement between

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the two agencies; and

4. Specifies payment for services rendered.

22 VAC 40-130-310. Temporary foster care prior to adoption for children under one year.

A. ~~The foster home.~~ The foster home shall be approved under the provisions of 22 VAC 40-130-270. The foster home agreement specified in 22 VAC 40-130-271 shall be signed by the ~~agency licensee~~ and foster parent or parents.

B. ~~Intake assessment.~~ In order to determine the appropriateness of accepting a child for placement and assessing the needs of the child, ~~The~~ the agency licensee shall collect:

1. Obtain information either directly or from the placing agency;

2. Indicate the date received; and

3. Review and assess the following information before accepting the child for placement in a foster home. The required information is:

~~4 a.~~ The reason the placement is requested, and a brief report on his living situation or situations if he did not come directly from the hospital;

~~2. Current information on the child's health: The hospital discharge summary is an acceptable medical examination for a newborn.~~

~~b. If a child under one year has not come directly from the hospital, the hospital summary and a report of interim care, signed by the physician shall be obtained. The report shall be no more than 30 days old. The absence of abnormalities shall be noted~~

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~~or the presence of abnormalities noted and explained on the report.~~

~~3. In addition, the assessment shall cover:~~

~~b. Information from the time of the child's birth on the child's:~~

~~(1) Known physical health;~~

~~(2) Medication, including dosages and reasons for taking each medication.~~

~~a. Dates and persons involved in placement visits and staffing; and~~

~~b. The reason or reasons the child was accepted; and the date the decision was made.~~

~~4. C. The assessment shall be completed within Within 30 days of the foster home placement and prior to completion of the adoptive placement agreement, the licensee shall prepare a written report based on the licensee's assessment of the information listed in 22 VAC 40-130-210 B and shall document:~~

~~1. Dates and persons involved in placement visits and staffing;~~

~~2. The reason or reasons the child was accepted for placement; and~~

~~3. The date the decision to accept the child was made.~~

~~C. Social history. The purpose of the history is to assist in the determination of the most suitable adoptive home for the child.~~

~~D. The licensee shall prepare a social history on the child and use the social history to assist in the determination of a suitable adoptive home for the child.~~

~~1. If a child is referred from another agency, the licensee shall request a copy of the referring agency's social history on the child.~~

~~2. If some item of information is not available, the licensee shall record what reasonable~~

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efforts have been made to obtain it, and the reason it is not available shall be recorded.

4.3. The history shall ~~cover~~ include:

- a. The reasons for and the goal of the ~~foster home~~ child's placement;
- b. The physical appearance of the child and of both birth parents, if available;
- c. The child's birth parents' nationality, race, and religion;
- d. The known physical and mental health history of the child and ~~The~~ the child's ~~parents', siblings', aunts', uncles' and grandparents' medical and psychiatric history~~ birth family (parents, siblings, aunts, uncles, and grandparents), if known, as it relates to the selection of a suitable home for the child;
- e. The education and occupation of the child's birth family (parents, siblings, aunts, uncles and grandparents); and
- f. ~~The expected length of placement in foster care.~~ Who in the family knows about the birth parent's or parents' plan of care for the child;
- g. Which relatives the birth parent or parents have been contacted for possible placement;
- h. A description of the birth parent's or parents' personality, life style, and childhood;
- i. The child's placement history with the dates and names of previous caretakers including addresses and phone numbers;
- j. A description of the child's prenatal care and any serious illnesses or substance abuse by the mother during the pregnancy;
- k. A description of the type of adoptive family with whom the birth parent or parents

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would like to have the child placed; and

I. The anticipated length of placement in pre-adoption foster care.

34. The worker shall describe the type of adoptive home that appears to be best for the child or explain why that determination has not yet been made.

25. The social history shall be completed within 30 days after placement in the foster home and include the date it was completed. If any of the information required above is incomplete, the licensee shall document reasonable efforts to obtain it within 30 days of placement and the reason it is not available.

6. The social history shall be completed before the adoptive agreement is signed.

7. The worker shall review the social history with the selected adoptive parents.

E. Prior to placement, the licensee shall ensure that the child has a medical report up-to-date according to the current federal Medicaid benefit known as Early Periodic Screening, Diagnosis, and Treatment (EPSDT). This includes:

1. The current "Virginia EPSDT Periodicity Schedule";

2. The most current "Recommended Childhood Immunization Schedule - United States"; and

3. Documentation that the child was screened or tested and, based on available information, can be considered free from tuberculosis in a communicable form.

F. Documentation of medical and dental exams shall be in the child's record.

G. If any medical exam is not up-to-date at the time of placement, it must be up-to-date within 30 days after placement. Note: No violation will occur if there is documentation

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that the licensee made an appointment within 7 days of placement, but the first available appointment was more than 30 days after the placement.

H. The licensee shall arrange for the child to receive physical examinations according to the current federal Medicaid benefit known as Early Periodic Screening, Diagnosis, and Treatment (EPSDT). This includes:

1. The current "Virginia EPSDT Periodicity Schedule"; and
2. The most current "Recommended Childhood Immunization Schedule - United States."

I. The child shall also receive recommended follow-up medical care, when appropriate, as well as care for illnesses or injuries.

J. In consultation with the placing agency, as appropriate, the licensee shall provide or arrange for a child to receive psychiatric, psychological, and other clinical services if the need for them has been identified or the service has been recommended.

K. The licensee shall record all medications prescribed for each child and any reported side effects or adverse reactions.

~~D. Visitation.~~ L. The case worker or designated professional staff shall have a face-to-face contact with the child every 30 days. Visits every 60 days shall be in the foster home. Contacts with children over one year of age shall be in accordance with 22 VAC 40-130-220.

M. The licensee shall document contacts with the child in the narrative.

~~E.N.~~ The worker case worker or designated professional staff shall see document at

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least every 90 days in the child's record provisions to ensure that the child has an adequate supply of clothing for indoor and outdoor wear, suitable to the season, and in good condition and provide verification of suitability and condition.

F. Q. Continuing contact with ~~parent or~~ birth parent or parents.

1. The birth parent or Parents parents shall be included in service planning, including goal setting, until or unless rights are terminated.

2. If parental rights are terminated, and the birth parent or parents request ~~it~~ continuing services for themselves, the agency licensee shall arrange ~~continuing services these~~, either directly or by referral.

~~G. Service plans in foster care. If the agency holds custody it shall file a foster care plan with the court within 60 days unless the child is returned home or placed for adoption within that time. (See 22 VAC 40-130-220 H.)~~

~~H. For narrative, quarterly reports and termination of care, see 22 VAC 40-130-240 and 22 VAC 40-130-250.~~

22 VAC 40-130- 315. Placement of older children; additional provisions.

A. The provisions of Part IV (22 VAC 40-130-198 et seq.) are applicable when placing children one year of age or older in foster care prior to adoption. When selecting an adoptive home, items in 22 VAC 40-130-320 shall be considered.

B. In addition, the licensee shall prepare the child, who has the ability to understand, for adoptive placement, recognizing the rights of the child to information and plans affecting his future. These efforts shall include:

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1. Discussion with the child about his feelings about being placed for adoption and notation of indicators that he is ready for the adoptive placement;
2. Discussion with the child about his birth family, past placements and relationships, and the reason he cannot return to his birth parents;
3. Pre-placement visits for the child in the adoptive home. The number of visits shall be determined first by the needs of the child and also the adoptive family;
4. Discussion of the child's relationship with the social worker, foster family, and the adoptive family;
5. A description of efforts made to acquire photographs of the child from birth through his current age and provision of these to the child, as appropriate, and to the adoptive family;
6. Preparation of a life book by the child, if developmentally appropriate, and licensee staff;
7. Assessment of the child's attachment issues and a description of services to address these issues;
8. Assessment of the child's needs for contacts with the prior caretakers and birth relatives, including siblings; and
9. Preparation of the adoptive family for the child identified for placement, including expected behaviors and the life-long impact of the child's history.

EXCEPTION: The licensee may provide these services to children not in the custody of the licensee with the permission of, or by contract with, the custodial agency.

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C. The child shall be involved in adoption planning, where appropriate. His concerns and individual needs shall be taken into account.

D. The licensee shall document in the narrative contacts and services provided to the child that demonstrate the agency's efforts to prepare the child for adoptive placement.

~~22 VAC 40-130-320. Items to be considered when selecting an adoptive home.~~

~~A. Siblings shall be placed together unless it clearly is not in the best interest of the children. Reasons for separation shall be explained in the record.~~

~~B. Consideration shall be given to placing children with families of the same racial or cultural or religious identity; however, no one or all of these factors shall be determinative since the best interest of the child shall always be paramount.~~

~~C. Foster parents shall be considered a primary adoptive resource when that is considered in the best interest of the child.~~

~~NOTE: Section 63.1-221 of the Code of Virginia has the following provision: When a foster parent who has a child placed by an agency wishes to adopt the child and the child has been in the home at least 18 months, the foster parent may petition the court directly for permission to adopt.~~

~~D. The ages of the adoptive parents in relation to the age of the child shall be considered in determining the best interest of the child.~~

~~E. The agency may consider the recommendations of a physician, an attorney licensed in the Commonwealth, or a clergyman who is familiar with the situation of the proposed adoptive parents only as provided in §63.1-204 C 1 of the Code of Virginia.~~

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22 VAC 40-130-321. Permanency and court service plans.

A. In accordance with § 16.1-281 of the Code of Virginia, when the licensee holds custody of the child, a service plan shall be filed with the court within 60 days after the licensee receives custody unless the court grants an additional 60 days or the child is returned home or placed for adoption within 60 days.

B. The licensee shall follow the requirements of § 16.1-282 of the Code of Virginia related to court review of the service plan, court hearings, and completion of adoption progress reports.

C. The licensee shall comply with the permanency planning goals and the procedures requirements in the Service Programs Manual, Volume VII, Section III, Chapter B, Section 8, "Preparing the Initial Service Plan" and Section 10, "Reassessments, Reviews, and Re-Determinations."

D. The licensee shall:

1. Involve the child's parent or parents in the development of the foster care plan; or
2. Fully describe why the parent or parents were not involved.

E. The licensee shall:

1. Involve the child in the development of the foster care plan; or
2. Fully describe why the child was not involved.

22 VAC 40-130-324. Individualized service plans and progress reports.

A. A licensee shall prepare and implement an individualized service plan for each child in its care within the first 60 days of placement.

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1. The licensee shall involve the child in the development of the individualized service plan or document reasons for the child not being involved.

2. The licensee shall involve the child's birth parent or parents in the development of the individualized service plan or document reasons for non involvement.

3. Prior custodians or foster parents shall be consulted when appropriate.

B. When the licensee does not hold custody, the service plan shall include:

1. The goals for the child, including permanency planning goals, and month and year projected for achievement of each goal;

2. The services to be offered to the child and birth parent or parents or prior custodians, including a description of how the licensee is working with related community resources, if any;

3. The participation to be sought from the birth parent or parents or prior custodians;

4. Exploration of relatives as placement resources, the type of placement recommended for the child, and how the recommended placement relates to the goal; and

5. A licensee-approved plan for the child's supervision in the event of the foster parent's or parents' absence, including any supervision needs described in the service plan.

C. The plan shall be completed and filed in the child's record within 60 days of placement in the foster home.

D. The licensee shall provide supervision, support, and guidance to foster families in implementing the service plan for the child.

E. The licensee shall arrange for and encourage contact and visitation among the foster

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child, his birth family, and others as specified in the service plan.

F. A progress report shall be completed in accordance with 22 VAC 40-130-213.

22 VAC 40-130-327. Narratives.

Narratives shall be:

1. In chronological order;

2. Current within 30 days;

3. Include areas specified in the standards and cover treatment and services provided;

4. Include all contacts made with others on behalf of the child;

5. Include documentation of the licensee's contacts with the child;

6. Include documentation of visitation between the child and the child's birth family;

7. Include other significant events;

8. Include documentation of enrollment of each school-age child either within 72 hours of placement or by the end of the next day the school is open, by the entity with custody of the child, including submission of required documentation and notification of school officials;

9. Include documentation of the amount and frequency of the allowance to be provided to each school-age child and written verification of its distribution at least every 90 days;
and

10. Include documentation at least every 90 days of provisions to ensure that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season, and in good condition and written verification of suitability and condition.

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~~22 VAC 40-130-330. Direct placement in adoptive home.~~

~~A. If a child is placed in the adoptive home before he is 25 days old or before the child is legally free for adoption, a statement acknowledging this shall be signed by the prospective adoptive parents and filed in the child's record.~~

~~B. Such a placement shall be recognized as a foster home placement and a foster home agreement signed by the agency and foster parents.~~

~~C. The adoptive placement agreement shall not be signed until the child is legally free.~~

22 VAC 40-130-331. Factors to be considered when selecting an adoptive home.

A. Siblings shall be placed together unless it clearly is not in the best interest of the children. Reasons for separation shall be explained in the record.

B. The selection of an adoptive family for a particular child shall be in the best interests of the child and is the responsibility of the licensee. The reasons for selecting the specific home for the child shall be stated in the child's record.

C. Foster parents shall be considered a primary adoptive resource when that is considered in the best interest of the child. (See § 63.2-1229 of the *Code of Virginia*.)

D. The agency may consider the recommendations of a physician, an attorney licensed in the Commonwealth, or a clergyman who is familiar with the situation of the proposed adoptive parents only as provided in §63.2-1225 of the *Code of Virginia*.

E. The licensee shall provide the prospective adoptive parents with full factual information about the child and the child's birth family except for identifying information.

The licensee shall provide in writing to the adoptive parents information about:

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1. The social and cultural history and the medical, developmental, and mental history of the child, the birth parents, and extended family (including siblings, aunts, uncles, and grandparents) when known; and

2. Full factual information about the child's birth.

F. This written information shall be signed by the adoptive parents, dated, and a copy filed in the adoptive home record.

G. The family approved for adoption shall be permitted to decide whether to accept a child. Refusal to accept a child shall not be the sole basis for excluding a family from consideration for another child. The reason for refusal shall be noted in the adoptive family record.

~~22 VAC 40-130-340. Placement of children over one year.~~

~~The provisions of Part IV (22VAC40-130-200 et seq.) are applicable when placing children over one year of age in foster care prior to adoption. When selecting an adoptive home, items in 22VAC40-130-320 shall be considered. In addition, an older child's concerns about adoption shall be taken into account.~~

22 VAC 40-130-341. Direct placement in the adoptive home.

A. If a child is placed in an adoptive home before he is 25 days old or before the child is legally free for adoption, a statement acknowledging this shall be signed by the prospective adoptive parents and filed in the child's record.

B. Such a placement shall be recognized as a foster home placement. A foster home agreement following the requirements of 22 VAC 40-130-271 must be signed by the

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licensee and foster parents.

C. An adoptive placement agreement shall not be signed until the child is legally free for adoption.

22 VAC 40-130-350. ~~Agency responsibility after child is placed in the adoptive home~~
Post placement supervisory visits and adoptive family support and preservation services.

A. The ~~agency licensee~~ shall ensure that supervisory visits are made in compliance with §§ ~~63.1-228 and 63.1-229~~ 63.2-1210 and 63.2-1212 of the *Code of Virginia*, or according to the laws of the state in which the final order of adoption is issued.

B. The ~~Code of Virginia~~ stipulates that In licensee placement adoptions, except in rare cases where an interlocutory order is entered, the child shall have lived in the adoptive home continuously for a period of six months before the petition for adoption is filed with the court.

C. A minimum of three visits shall be made during a period of six months with at least 90 days between the first and last visits. The licensee shall make additional visits to the home as the needs of the child and family require.

Exception: The circuit court may waive visitation requirements.

D. In the case of an adoptive placement of a child with special needs, the first visit shall be made within a maximum of two weeks after placement of a child.

E. The child shall be seen at each visit and at least one visit shall be in the home in the presence of the child and the parent or parents, unless one of the parents no longer

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resides in the home. The licensee shall contact the absent parent to determine the absent parent's interest and status regarding finalizing the adoption.

F. The licensee shall individually and privately interview any child with the cognitive skills to understand and discuss his adoption.

G. In the case of parental placement adoptions, the licensee shall use the format for the Report of Visitation prescribed by the Family Services Division of the department.

H. In the case of licensee placement adoptions, the licensee shall use the format for the Report of Investigation, as prescribed by the Family Services Division of the department.

~~B. I.~~ The agency licensee shall maintain have face-to-face or telephone contact with the adoptive family at least every 90 days until the final order is entered and shall document this contact. This requirement also applies whenever the licensee is required, or agrees, to provide post placement supervision for another agency.

J. The licensee's supervision contacts shall be recorded in the adoptive family's record.

K. If conditions warrant, the licensee shall proceed to remove the child in accordance with the provisions of §§ 63.1-211.1-63.2-1207 of the Code of Virginia.

~~G. L.~~ The agency licensee is legally responsible for the child until the final order is entered.

M. The following areas shall be assessed during the supervisory visits:

1. Health and development of the child, including medical care;
2. The child's adjustment to the family and the relationship of the child to the parents

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and siblings;

3. Impact of adoption on adoptive family functioning and the marriage, including discussion of any stress revealed and changes in work and financial status; and

4. Motivation to proceed with the adoption and the adoptive family's readiness to finalize the adoption.

N. The licensee shall discuss the child's day care or school adjustment, the child's behavior and special needs, and resources available to meet those needs.

O. The final supervisory visit shall also include discussion of the procedures for finalization, along with information on obtaining a birth certificate and naturalization, where appropriate.

P. The licensee shall document efforts to ensure that the adoption petition is filed. Note: This shall not apply to agencies providing intercountry adoptions when the adoption has been finalized in another country.

Q. When the licensee has placed a child in its custody into an adoptive home, the licensee shall offer to provide, or refer the adoptive family to, available resources for services after the final order.

22 VAC 40-130-360. Provisions for children with special needs.

A. ~~Referral to AREVA (Adoption Resource Exchange of Virginia)~~ Children with special needs who are legally free for adoption shall be registered with AREVA (Adoption Resource Exchange of Virginia) within 30 days of termination of parental rights unless an adoptive family has been identified.

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~~1. Special needs children who are legally free for adoption shall be registered with AREVA within the timeframes set by service programs.~~

~~2. B. The licensee shall assist Families willing to~~ families interested in accept special needs adopting children with special needs shall be registered also to register with AREVA within 30 days of approval unless a child has already been identified for placement.

~~C. The licensee shall inform an adoptive parent or parents if a child is eligible for adoption assistance.~~

~~3. D. Agencies shall follow~~ The licensee shall comply with the procedures for AREVA registration and feedback in the Service Programs Manual, Volume VII, Section III, Chapter C, Adoption - Agency Placement, Part 7, "Adoption Resource Exchange of Virginia," Parts 7 D and E.

~~B. Subsidy.~~

~~1. Subsidy payments shall be provided for a special needs child determined eligible for subsidy.~~

~~NOTE: A special needs child is not eligible for subsidy until reasonable efforts have been made to find an appropriate home without subsidy. However, in some cases such as where the child has developed significant emotional ties with the prospective adoptive parents while in their care as a foster child, efforts to find another home are not required.~~

~~"Reasonable efforts" are defined in the Service Programs Manual, Volume VII, Section~~

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~~III, Chapter C, "Subsidized Adoption."~~

~~2. Agencies shall follow service programs procedures and work with their local department of social services to secure a subsidy.~~

~~3. Refer to 22 VAC 40-130-300 B 2 b for the explanation of the effect of permanent entrustment on eligibility for subsidy.~~

~~C. Services for children after final order. When an agency places a child in its custody in an adoptive home and the child has longstanding mental or physical problems, the agency shall make arrangements for services after the final order. This may be through continued agency services or referral to some other resource such as another agency, a post-adoption counseling group or resources for medical or psychiatric services.~~

22 VAC 40-130-365. Adoption assistance.

When the licensee is working with a child who appears to meet eligibility for adoption assistance, the licensee shall comply with the Service Programs Manual, Volume VII, Section III, Chapter C, Adoption, Part 7 E, "Adoption Resource Exchange of Virginia."

The licensee also has the following responsibilities:

1. Documenting the special needs of the child, if not already documented by the entity with custody;

2. Recruiting, and conducting home studies on, prospective adoptive homes;

3. Documenting efforts to place the child without adoption assistance;

4. Obtaining background information on the birth parents sufficient to determine eligibility for Title IV-E. This shall include information on:

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- a. With whom the child was residing during the six months immediately preceding removal from the home;
- b. Whether the child was deprived of parental support as a result of absence or disability of one parent;
- c. The financial situation of the birth parents;
- d. The required court determination within 180 days if the child entered care through a permanent entrustment agreement;
- e. Sending a referral and the documentation to the eligibility unit in the local public agency;
- f. Notifying the service unit in the public agency of the family's interest in adoption assistance;
- g. Assisting the public agency in working with the family to complete and sign the adoption assistance agreement.

22 VAC 40-130-370. Involuntary termination of parental rights.

~~When a child has been in the custody of a licensed child-placing agency for 12 months, the court may terminate parental rights if it finds that the parent or parents have been unable or unwilling to remedy the conditions that led to the placement.~~

- ~~1. If the agency elects to take the case to court for an adjudication, the agency shall submit a plan for finding a permanent placement for the child.~~
2. When it is necessary to petition the court to terminate parental rights, The the agency licensee shall follow the procedures in the Service Program Manual, Volume VII,

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Section III, Chapter B, "~~Terminating Parental Rights.~~" requirements of:

a. § 16.1-283 of the Code of Virginia; and

b. The Service Program Manual, Volume VII, Section III, Chapter B, Foster Care, Section 9.5.5, "Terminating Parental Rights."

22 VAC 40-130-380. Interlocutory orders of children in custody of an agency.

A. While ~~agencies~~ the licensee ~~are~~ is legally responsible for a child placed in an adoptive home until the final order, ~~an agency~~ the licensee may issue its consent to an interlocutory order only if a determination is made that:

1. The adoptive parent or parents are financially able to care for the child (subsidy funds may be counted in the assessment where appropriate);
2. The adoptive parent or parents are ~~suitable persons~~ approved to care for the child;
3. A home visit made at least 30 days after placement and any other contacts provide evidence that the child and family are making a positive adjustment to each other; and
4. The best interest of the child is served by entering an interlocutory order rather than waiting until the end of the visitation period.

B. A notarized statement shall accompany the order stating that the ~~agency~~ licensee will assume legal responsibility if the placement disrupts before the final order.

C. The child shall be visited at least three times in the six months following the interlocutory order with not less than 90 days between the first and last visits. At least one visit shall be in the home with the child and parent or parents unless one of the parents no longer resides in the home. The licensee will contact the absent parent to

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determine the absent parent's interest and status regarding finalizing the adoption.

D. The ~~agency licensee~~ shall continue to count the child in determining agency caseload capacity until the final order is entered.

22 VAC 40-130-390. Agency fees.

A. If the ~~agency licensee~~ requires fees from adoptive applicants, it shall attach an explanation of ~~agency~~ the licensee's fee policy to the ~~license renewal~~ application for licensure. The explanation shall cover the amounts charged, how the ~~figures~~ amounts were ~~arrived at~~ reached, and what services ~~are to~~ will be provided for the fees.

~~If a new agency plans to charge fees, an explanation of the proposed policy shall accompany the application for a license.~~

B. Fees shall be discussed with ~~applicants before or at the start of~~ the prospective adoptive parent or parents prior to initiating the home study. ~~Applicants~~ The prospective adoptive parent or parents shall be given ~~an~~ a written explanation of:

1. The ~~amount they must pay~~ fee, if any, and when and how payments are to be made;
2. How the amount is determined ~~and~~, what services it covers₁;
3. The risk of disruption of the adoption before it is finalized; and
- ~~3~~ 4. The ~~agency licensee's~~ refund policy₁, if any.

C. The licensee shall develop a mutually acceptable written agreement with the prospective adoptive parent or parents regarding the fees to be paid and the services to be provided.

22 VAC 40-130-395. Adoptive family and adoptive home study; orientation.

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A. Information on the items below shall be gathered in order to assess the prospective adoptive parent's or parents' capacities as adoptive parent or parents and to comply with the requirements of Chapter 12 of Title 63.2 of the Code of Virginia. If the home is approved, the information is also used to determine the type of child that can be successfully placed in the home.

B. The licensee shall conduct interviews with all household members.

1. Dates and content of interviews shall be documented in the home study.

2. There shall be a minimum of three face-to-face interviews with each prospective adoptive parent.

a. At least one interview with a couple shall be together; and

b. One interview shall take place in the home.

3. Each prospective adoptive parent's minor and adult children living outside the home shall be interviewed to assess their attitudes toward the proposed adoption and the potential impact their attitudes would have on the family and adoptive child. If face-to-face contact with a child is not possible and the child lives more than 50 miles from the adoptive applicant's home, an interview shall be conducted by telephone, email, or letter. If this interview is not possible, the reason shall be documented and assessed in the home study.

4. There shall be an interview with each additional household member to assess the person's attitude toward the proposed adoption and the potential impact this attitude would have on the family, other household members, and the adoptive child.

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5. The licensee shall request and obtain a minimum of three nonrelative references for the family who have knowledge of each prospective adoptive parent. Additional references may also be requested from relatives or others at the licensee's discretion.

C. A report of a medical examination by a licensed physician, his designee, or an official of the local health department of all members of the household shall be obtained by the licensee. It shall include both mental and physical health. If difficulties are noted, specialists in the appropriate field shall be consulted.

D. The exam shall be conducted no earlier than 12 months prior to the approval and shall contain:

1. An evaluation of the current health of the individual to include alcohol and drug abuse. Additional reports from specialists shall be received when health concerns are noted;

2. A statement that, based on available information, the individual can be considered free from tuberculosis in a communicable form including the date and types of tests and the results. If the test is positive or no test is done, there shall be a written explanation by the physician, his designee, or an official of the local health department. Additional tests are not required unless the individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms;

3. An opinion as to whether the health of the individual will affect the care of or present a hazard to the health of children; and

4. The signature of a physician, his designee, or an official of the local health

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department.

E. The medical examination shall be updated if the licensee or licensing representative has concerns about the health of members of the adoptive family household.

F. The licensee shall consider the impact the age and stamina of a prospective adoptive parent and medical information indicating that the life expectancy of a prospective adoptive parent is less than the norm might have on the care of the child.

G. A plan for child care and the financial resources of the family should a parent become incapacitated shall be discussed and documented.

H. A prospective adoptive parent shall be at least 21 years of age.

Exception: A sibling, aunt, uncle, niece, or nephew of the child to be adopted shall be at least 18 years of age.

I. The licensee shall ensure that the adoptive home is in compliance with the "Background Checks for Child Welfare Agencies" regulation promulgated by the State Board of Social Services.

J. The licensee shall verify transportation safety.

1. Every prospective adoptive home shall have available transportation.

2. Each motor vehicle family members will use to transport the adoptive child shall have liability insurance.

3. Family members who will transport the child shall have valid drivers licenses.

4. The licensee may require the Department of Motor Vehicles records for any prospective adoptive parent or parents who are drivers and other drivers in the home

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who are expected to transport children. The licensee may require a re-check of these records if the licensee or certified agency believes it is necessary or upon request of the licensing representative.

5. The prospective adoptive parent or parents shall disclose any moving violations in the previous three years.

K. If there have been previous marriages, the licensee shall verify that the most recent divorce from the former spouse is final to avoid legal difficulties with the adoption.

L. Employment shall be verified by pay stub or other written evidence or interview with the employer.

M. The licensee shall discuss the employment history of each prospective adoptive parent and assess the prospective adoptive parent's or parents' management of income and financial resources in relation to expenses.

N. The prospective adoptive parent or parents shall have sufficient income and financial resources to care for the child and assure continuing maintenance of the family.

O. If the prospective adoptive parent or parents have previously applied to adopt through another agency, or to be a foster parent or parents, the licensee shall request information from the prospective adoptive parent or parents about the previous application.

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P. The licensee shall conduct a thorough assessment of the motivations, expectations, commitments, and abilities of the prospective adoptive parent or parents. The licensee shall also ensure that the following areas are covered and documented in its assessment and shall document the basis for its conclusions:

1. Family relationships, to include how the couple, if applicable, and the family resolve conflicts and express affection; relationships with extended family and children living outside of the home;
2. Stability of any marriage in relation to its length;
3. The prospective adoptive parent's or parents' experiences with children;
4. The interests and activities of family members, including a judgment as to whether or not the general patterns of family life will accommodate a child;
5. Extended family, social, and community relationships;
6. The childhood or family life experiences of the prospective adoptive parent or parents, including childhood relationships;
7. The value system of the family and the ability to accommodate children of a different religion, culture, or ethnicity;
8. Discipline of children to include:
 - a. The discipline the prospective adoptive parent or parents received as a child;
 - b. Current discipline practices, if applicable;
 - c. Opinions and attitudes towards discipline; and
 - d. Discipline techniques to be used with a child placed in the home.

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9. The prospective adoptive parent's or parents' education and attitudes towards education;

10. The prospective adoptive parent's or parents' willingness to work with the school and all other professionals who may be involved with the child;

11. The prospective adoptive parent's or parents' attitude towards birth parents and towards working with the licensee;

12. The physical and mental health history of the prospective adoptive parent or parents;

13. The age, sex, and type of child desired;

14. Child care arrangements;

15. The prospective adoptive parent's or parents' knowledge of safety hazards and preventive actions to avoid injuries and accidents in children;

16. A willingness to provide adequate drinking water and meals and snacks appropriate to daily nutritional needs and in accordance with diets prescribed by a licensed physician or in accordance with other special needs; and

17. Ability to communicate effectively, both orally and in writing, as applicable to the parenting and regulatory compliance responsibilities. If the prospective parent or parents have limited English-speaking ability, their willingness to increase proficiency in the English language.

Q. The licensee shall also assess the capacity of the prospective adoptive parent or parents to love a child not born to them, the ability to change in relation to the needs of

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a child, and understanding and abilities in the following areas:

1. The child's ethnic, religious and cultural experiences;
2. The extended family's attitudes towards adoption;
3. The prospective adoptive parent's or parents' infertility, where applicable, including how they have resolved emotional issues related to the infertility; and
4. The critical issues in adoption as covered in the licensee's orientation.

R. The prospective adoptive parent or parents shall participate in a face-to-face orientation describing permanency planning and the importance of concurrent planning.

S. The licensee shall assess and approve the residence and the area surrounding the residence.

T. The licensee shall assess and determine that the prospective adoptive parent's or parents' residence and surrounding property is free of hazards to the health and safety of children, is clean, includes space for recreational activities, and is in good physical repair. The following areas shall also be included in the licensee's assessment of the home:

1. Rooms used by children shall be well lighted for activities and safety.
2. The home shall have an operable heating and ventilation system and all doors and windows used for ventilation are appropriately screened.
3. Possession of any weapons, including firearms, in the home must be in compliance with federal and state laws and local ordinances.
4. Firearms shall be kept unloaded and firearms and ammunition shall be locked in

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separate secure locations.

a. The safety mechanisms shall be activated.

b. Any glass cabinets used to store any weapons, including firearms, shall be shatter-proof.

5. The key or combination to the locked locations shall be inaccessible to all children in the home.

6. The requirements pertaining to firearms and ammunition apply until the adoption is final.

7. The home shall have closet or drawer space or both for clothing and personal possessions of children.

8. Children over the age of two shall sleep in a separate bed and bedroom from the adoptive parent unless the licensee has approved this plan based on the child's documented needs, disabilities, or other conditions.

9. Children of opposite sex over age two shall not share a bedroom and children over the age of two shall sleep in separate beds.

10. Children under five years of age, and children with insufficient cognitive or physical ability, shall not use the top bunks of bunk beds.

11. There shall be at least 70 square feet in a room occupied by one child and at least 50 square feet for each child in a room shared by two or more children.

12. Children's bedrooms shall not be used as passageways and shall have doors for privacy.

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13. There is adequate space and equipment for food preparation, service, and proper storage.

14. The home shall keep cleaning supplies and other toxic substances stored away from food, secured, and out of the reach of children who are developmentally unable to understand the dangers.

EXCEPTION: Where appropriate, adolescents may have access to and may use cleaning supplies.

15. The prospective adoptive parent or parents shall have a working telephone in the home at all times.

16. There is a written emergency evacuation plan that includes contacting 911 or another local emergency source to seek assistance in case of emergencies

a. The prospective adoptive parent or parents agree to rehearse the plan with the child each month until the "Placement Agreement – Adoptive Home" has been signed.

b. The prospective adoptive parent or parents agree to review the plan with each child who is developmentally able to understand within 48 hours of placement.

17. All attics and basements that will be used by the child shall have two emergency exits, one of which leads directly outside.

18. The presence of pets shall be documented.

19. Children are protected from household pets.

20. Animals are kept in compliance with Title 3.1, Chapter 27.4 of the *Code of Virginia* and local ordinances.

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21. The prospective adoptive parent or parents shall have first aid supplies easily accessible in case of accidents.

22. The prospective adoptive parent or parents shall agree to permit an inspection of the home's private water supply and sewage disposal system by the local health department if conditions indicate a need for approval and the licensee or the licensing representative requests it.

U. The licensee shall inform the prospective adoptive parent or parents that placement of an out-of-state child is governed by the Interstate Compact on the Placement of Children and document provision of this information in the home study report.

~~22VAC40-130-400. The adoptive home study.~~

~~A. Information on the items below shall be gathered in order to assess the applicant's or applicants' capacities as adoptive parent or parents. If the home is approved, the information is also used to determine the type of child that can successfully be placed in the home.~~

~~B. Interviews with family and household members.~~

~~1. There shall be a minimum of three face-to-face interviews with the adoptive applicant or applicants. At least one interview with a couple shall be joint and one shall take place in the home.~~

~~2. All members of the household shall be interviewed as well as children of each adoptive parent living outside the home.~~

~~Information may be requested by telephone or letter if the child is over 18 and lives~~

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~~more than 50 miles from the parents' home.~~

~~3. If the required contacts with children living outside the home should not or could not be made, the reasons shall be taken into consideration in the assessment of the home.~~

~~C. Subjects to be covered in interviews with the applicants shall include:~~

~~1. A description of:~~

~~a. The home and surrounding area; and~~

~~b. The physical appearance of the applicant or applicants.~~

~~2. A discussion of the family covering:~~

~~a. The compatibility of the couple and stability of the marriage in relation to its length;~~

~~b. The relationships with other household members and children in the home, if any;~~

~~c. Physical and mental health history;~~

~~d. The interests and activities of family members, including a judgment as to whether or not the general patterns of family life will accommodate a child;~~

~~e. Extended family, social and community relationships;~~

~~f. Childhood or family life experiences of adoptive applicant or applicants;~~

~~g. The place of religion in family life; and~~

~~h. Income and financial resources in relation to expenses.~~

~~3. The family in relation to adoptions:~~

~~a. The applicant's or applicants' motivation for and expectations of adoption;~~

~~b. Experiences of the applicant or applicants with children;~~

~~c. Attitudes and opinions about discipline of children;~~

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~~d. Attitudes toward biological parents;~~

~~e. Attitudes about periodic contact with parent or parents or prior custodians for older children (open adoption);~~

~~f. The age and type of child desired and the age or ages of the applicant or applicants in relation to the child; and~~

~~g. The attitude toward adoption of family and extended family members, especially natural children living outside the home.~~

~~4. A discussion of agency services before and after adoption if family is interested in a special needs child.~~

~~D. Information from other sources.~~

~~1. A minimum of three references for the family shall be obtained.~~

~~2. A report of a recent medical examination of all members of the household shall be obtained. It shall report on both mental and physical health and be signed by the physician. If difficulties are noted, specialists in the appropriate field shall be consulted.~~

~~3. Adoptive applicants shall consent to a search of the Child Protective Services Central Registry (CPSIS).~~

~~a. The agency shall use the form provided by the registry and follow the instructions thereon.~~

~~b. The home shall not be used if an applicant has a founded or unfounded reason to suspect child abuse or neglect record.~~

~~NOTE: The Central Registry name is to be changed from CPSIS to CANIS (Child Abuse~~

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~~and Neglect Information System) in the early fall of 1989. The method of judging injury to children is to be changed. Agencies will be sent information on the changes when they occur.~~

~~4. If an agency believes it is needed, it may, in addition, require consent to check Division of Motor Vehicle records.~~

~~5. The worker shall see the marriage license for couples. If there has been a previous marriage, the worker shall ascertain that the divorce is final to make sure there is a valid marriage.~~

~~6. If a single adoptive applicant is divorced, the worker shall ascertain that the divorce is final to avoid legal difficulties with the adoption.~~

~~7. Employment shall be verified by pay stub or other written evidence, personal knowledge of an agency staff member or interview with the employer.~~

~~E. Approval or disapproval.~~

~~1. The worker shall recommend approval or disapproval.~~

~~2. If approval is recommended, the worker shall recommend the age, sex, special characteristics and number of children that could successfully be nurtured.~~

~~The adoptive parent's or parents' preferences shall be considered in reaching the recommendations.~~

~~3. The applicant or applicants shall be informed in writing within a week of the approval or disapproval and offered an interview to have the agency's decision explained to them.~~

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~~F. The selection of the child for the adoptive family shall be in the best interests of the child and is the responsibility of the agency. The reasons for selecting the specific home for the child shall be stated.~~

~~The adoptive parents have the right to full factual information about the child and the child's birth family except for identifying information.~~

~~The prospective family shall, however, be permitted to decide whether or not a child is suitable for them. Refusal of a child shall not be the sole basis for excluding a family from consideration for another child.~~

~~G. The adoptive placement agreement. The agreement shall include:~~

- ~~1. The agency's responsibilities until final order is entered;~~
- ~~2. The adoptive family's responsibilities until final order is entered;~~
- ~~3. The statement that the agency is legally responsible for the child until the final order and may, with the sanction of the court, remove the child if it is necessary for the child's well being; and~~
- ~~4. A statement of services to be provided after the final order, if any have been agreed upon.~~

~~H. Corporal punishment. The agency shall have a written statement prohibiting corporal punishment which the adoptive parent or parents shall sign saying they have read and will follow to the best of their ability.~~

~~I. Re-evaluations.~~

- ~~1. When 12 months have elapsed after completion of the original home study and the~~

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~~agency is contemplating placing a child, a reevaluation shall be made which includes:~~

- ~~a. A visit to the home;~~
- ~~b. Face-to-face interviews with all members of the household; and~~
- ~~c. Updated medical reports.~~

~~2. When subsequent adoptive placements are considered, the agency shall reevaluate the home covering all areas of the original study.~~

~~Concrete areas such as house or neighborhood which have not changed may be noted on a form.~~

~~At least one home visit shall be made with all household members present except for members out of the home for extended periods.~~

22 VAC 40-130-401. Approval or disapproval.

A. The licensee shall recommend approval or disapproval of the prospective adoptive parent or parents based on a careful assessment of information received through the home study process, and the prospective adoptive parent's or parents' participation in the home study process and in orientation.

B. The licensee may consider the recommendations of a physician or attorney licensed in the Commonwealth, or a clergyman who is familiar with the situation of the prospective adoptive parents of the child.

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C. Prior to approval of the home study, the licensee shall require the prospective adoptive parent or parents to sign a statement that states that they will not use corporal punishment on a child placed in the home or give others permission to do so. This agreement is valid until the adoption is final.

D. The decision to approve or deny shall be made by:

1. A case work supervisor;

2. A licensee staff with the qualifications of case work supervisor; or

3. In a staff meeting in which a case work supervisor or equivalent is present and in agreement.

E. The date of the decision shall be recorded in the prospective adoptive parent's or parents' record.

F. A decision to approve shall include recommendations about the age, sex, behavioral and other characteristics, and number of children who can successfully be placed and give the basis for the recommendation. The adoptive parent's or parents' preferences shall be considered in reaching the recommendations.

G. The case worker or case worker trainee shall state if the approval is for children with special needs or not, or children from other countries, and give the basis for this recommendation.

H. The selection of the child for the adoptive family shall be in the best interest of the child and is the responsibility of the licensee. The reasons for selecting the specific home for the child shall be documented.

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I. The prospective adoptive parent or parents shall be informed in writing within a week of the decision and offered an interview to have any disapproval explained.

J. The home study shall be written and the home approved before a child is placed.

K. The licensee shall provide to the adoptive parent or parents the following services and requirements following approval:

1. Written procedures for handling emergencies during and outside the agency's regular office hours; and

2. Prior to any placement, assistance in making an informed decision as to whether the adoptive home can meet the needs of a particular child and the right to refuse the placement if they feel it is inappropriate or may be a danger to any child currently in the home.

L. The licensee shall document the provision of these services and requirements and place the documentation in the adoptive home record.

M. The total number of the children in the adoptive home shall not exceed eight, including the adoptive parent's or parents' own children or other children in the home.

The total capacity may be less if physical accommodations are not adequate, the capabilities and skills of the adoptive parent or parents are not sufficient to manage the maximum number of children, or other individuals in the home require special attention or services of the parent or parents.

EXCEPTION: When the placement of a sibling group in one home is in the best interest of the siblings, the total may exceed eight if the needs of all children in the home can be

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met.

22 VAC 40-130-402. Training for adoptive parents.

A. The licensee shall provide pre-placement training to the prospective adoptive parent or parents in addition to first aid and cardiopulmonary resuscitation training following to approval of the home.

B. The pre-placement training shall include, but is not limited to, the following:

1. Information about the licensee including services, policies and values on acceptable methods of behavior management and discipline;

2. Mandated reporting of child abuse and neglect;

3. Discussion of the legal processes involved in adoption, such as termination of parental rights, finalization, placement agreement, naturalization (intercountry adoptions), and access to information from closed records;

4. Discussion of adoption assistance, if appropriate, and any adoptive family preservation and support services offered by the licensee;

5. Explanation of risks involved in adoption such as return of the child to either or both of the birth parents until the child reaches 25 days of age, changes in the laws and applicable regulations, and the licensee's approval criteria and policies; and

6. The critical issues in adoption to include:

a. Adoption as a life-long process, the impact of adoption on all aspects of their family life, and the prospective adoptive parent's or parents' ability to maintain a life-long commitment to a child;

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b. The developmental stages of adoption, including attachment and bonding issues;

c. The impact of the prospective adoptive parent's or parents' attitudes toward birth parents on the adopted child;

d. The importance of the child's linkage to his birth family and significant others, when appropriate;

e. The child's need to have information about his background and birth parents;

f. The importance of talking to the child about adoption throughout their lifetime; and

g. Preparation for each individual child prior to placement in the home.

C. Adoptive parents shall be consulted on their training needs.

22 VAC 40-130-403. Adoptive placement agreement.

A. The adoptive home placement agreement shall be written and shall be signed by the licensee representative and the adoptive family before the child is placed in the home.

B. The adoptive home placement agreement shall indicate whether the family will be using adoption assistance or assuming responsibility for daily living expenses;

C. The adoptive placement agreement shall include the date approval of the home begins and ends.

D. The adoptive placement agreement shall include statements that the adoptive parent or parents:

1. Agrees to immediately report any suspected abuse, neglect, or exploitation to the local department of social services or hotline and to the licensee;

2. Agrees not to commence court proceedings for adoption without the consent of the

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licensee;

3. Understands that seeking consultation and support from the licensee is acceptable and will not affect the decision to consent to the adoption;

4. Agrees to neither use corporal punishment on a child placed in the home nor give others permission to do so. This requirement applies until the adoption is final.

5. Understands the right to request removal of the child and, if this is the case, agreement to:

a. Consult with the licensee;

b. Seek additional counseling if the licensee requests it;

c. Prepare the child for removal; and

d. Give at least two week's notice to the licensee.

6. Understands that there will be at least three visits by the licensee prior to adoption;

7. Understands that the licensee may remove the child with the consent of the adoptive parents, upon order of the commissioner or the Juvenile and Domestic Relations Court or circuit court of competent jurisdiction, or upon a determination that the child is subject to abuse and neglect;

8. Understands that the child may be restored to the birth parents by circuit court order upon proof of fraud or duress;

9. Agrees to abide by the licensee's visiting plan for the child and birth family;

10. Agrees to report to the licensee any changes in the composition of the family or

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household; any serious illness in the household; and all illnesses, injuries, and significant behavioral changes involving the child; and

11. Agrees to participate in an agreed upon English language development program, if they have limited English proficiency.

E. The licensee may include additional requirements.

F. The adoptive home agreement includes the licensee's responsibilities until the final order is entered to include:

1. Provision of supervisory visits;

2. Provision of agreed upon training and other agreed upon services before and after the final order for the adoptive parent or parents; and

3. Responsibility for the child until the final order of adoption, including the removal of the child from the home upon order of the commissioner or the Juvenile and Domestic Relations Court or circuit court of competent jurisdiction, or upon determination that the child is subject to abuse and neglect.

G. The licensee shall cooperate with the placing and custodial agency, as applicable, and allow the custodial agency access to the child at all times.

22 VAC 40-130-404. Home study updates.

A. When 24 months have elapsed after date of approval of the original adoptive home study and the licensee is considering placing a child, an update shall be made which includes a visit to the home and face-to-face interviews with all members living in the household to include:

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1. A review of the compatibility of the couple and stability of the marriage, if applicable;
 2. A review of the family, social and community relationships, including any children in the home;
 3. Income, employment status, and financial resources in relation to expenses;
 4. A review of the adoptive parent's or parents' motivations for and expectations of adoption;
 5. The age and type of child desired and the age of the adoptive parent or parents in relation to the child;
 6. A review of the home and living arrangements;
 7. Updated medical reports; and
 8. In the case of intercountry adoptions, compliance with the home study update requirements of the Bureau of U. S. Citizenship and Immigration Services.
- B. When one adoptive parent cannot be present due to employment which requires extended absence from the home, such as military duty, the licensee shall have a telephone interview, if possible, with the absent parent and the absent parent shall be interviewed within 14 days of returning to the home and shall follow any applicable requirements in Part VI, "Interstate and Intercountry Placements," of this Chapter.
- C. If the prospective adoptive parent or parents have moved since their initial approval and a child has not been placed, the licensee shall visit the home and conduct a review of the residence based on 22VAC 40-130-395 S.
- D. If the licensee conducting the home study update is not the agency that conducted

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the original home study:

1. A review of the residence shall be conducted based on 22 VAC 40-130-395 S and T;

and

2. The licensee shall have more than one face-to-face interview with the prospective adoptive parent or parents.

22 VAC 40-130-406. Subsequent adoptive placements.

A. When the adoptive applicants request additional adoptive placements, the licensee shall use the same items of information for the initial home study to evaluate the home based on the requirements for the initial adoptive home study.

B. If the licensee conducted the original home study and no more than three years have elapsed, the licensee shall conduct at least two visits, one face-to-face interview in the office or home and a home visit with all household members currently living in the home.

C. If the original home study was conducted by another agency, the following shall apply:

1. Orientation and training shall be required of the applicant or applicants for subsequent adoption; and

2. If the licensee has a copy of the original home study for the applicant or applicants for subsequent adoption, two visits shall be made with the adoptive parent or parents and shall follow the requirements for absent parent at 22 VAC 40-130-404 B, if applicable. If the original home study is not available, three visits are required; and the home study

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shall follow the requirements of the initial adoptive home study.

22 VAC 40-130-410. ~~Direct parental~~ Parental placement services adoptions.

~~If an agency chooses to provide direct parental placement services, it shall do so in accordance with §§ 63.1-220.3 through 63.1-220.5 and 63.1-238.01 and 63.1-238.02 of the Code of Virginia.~~

A. The licensee shall follow the provisions of:

1. Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2 of the Code of Virginia; and

2. Shall also comply with the Service Programs Manual, Volume VII, Section III, Chapter D, Adoption – Non-agency Placement and Other Court-ordered Services,

a. Section 2.1, “Responsibilities of the Agency in a Parental Placement Adoption Before the Adoption Petition is filed in Circuit Court”; and

b. Section 2.8, “Responsibilities of the Agency in a Parental Placement After the Adoption Petition is Filed in Circuit Court.”

B. The licensee shall follow the adoptive home study requirements of this Chapter.

C. The licensee shall, through face-to-face contact with the birth parent or parents, assure that the birth parent or parents are aware of:

1. Alternatives to adoption;

2. Adoption procedures; and

3. Opportunities for placement with other adoptive families.

D. If the birth parent or parents have not received counseling regarding these issues, the licensee shall make every effort to provide it. If counseling cannot be provided, the

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licensee shall document the reasons in the birth parent record.

E. The licensee shall make every effort to have the face-to-face contact with the birth parent or parents take place on a different day from the date of the meeting to exchange identifying information. When this is not possible, the reason shall be documented in the birth parent record.

F. The consent of the birth parent or parents shall be informed and not coerced.

G. When the licensee accepts custody of a child for the purposes of placing the child with adoptive parents designated by the birth parents or a person other than a licensed child-placing agency or local board of public welfare, the parental placement provisions of § 63.2-1221 through 63.2-1229 of the *Code of Virginia* shall apply.

H. The licensee shall meet at least once with the birth parent or parents and prospective adoptive parent or parents simultaneously.

Exception: When the child has been placed with a prospective adoptive parent or parents who are related to the child, the meeting is not required.

I. The licensee shall assist the birth parent or parents and prospective adoptive parent or parents in exchanging written information including but not limited to full names, addresses, physical, mental, social, and psychological information.

22 VAC 40-130-420. Adoption records.

A. The ~~agency~~ licensee shall maintain a case record for each child, the ~~biological~~ child's birth family and the adoptive family. The ~~biological~~ child's birth family record may be a part of the child's record.

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B. The child's record. ~~The record~~ shall include:

1. Identifying information including the child's original birth certificate, whenever possible, the birth date, place of birth, sex, race, height, weight, hair color, eye color, and identifying marks, Medicaid number (if applicable), and Social Security Number, if known;
2. The legal documents required for adoption;
3. A record in the narrative dictation of the child's and family's preparation for the placement; ~~and~~
4. Names and addresses of grandparents, close relatives and siblings;
5. Names of persons not authorized to call or visit the child;
6. A written description of the child's appearance and a photograph no more than six months old at the time of the child's placement;
7. Narrative;
8. Documentation of any serious incidents, accidents, or injuries;
9. Service plans if the child has been in placement long enough for these reports to be required;
10. All correspondence related to the child;
11. Reason for and date of closure and discharge report or final order of adoption, if applicable; and
4. 12. Other information as required by this Chapter and any other applicable standard and laws not identified elsewhere in this Chapter.

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C. The ~~biological~~ child's birth family's record. ~~The record~~ shall include:

1. Identifying information including, names, addresses, telephone numbers, Social Security Numbers, if available, and marital status of the birth parent or parents or guardians;
2. Description of childhood and other background information, when known;
3. The birth parents' relationship to each other;
4. Information about the knowledge other family members have about the birth parent's or parents' decision to place the child for adoption;
- 2 5. A narrative of contacts; and
- 3- 6. Other information required by this Chapter.

D. The adoptive family record. ~~The record~~ shall contain:

1. The ~~agency~~ licensee application;
2. A copy of any written information given to the adoptive parent or parents concerning the child;
3. Summaries of supervisory visits; ~~and~~
4. Closing summary including reason for and date of closure and the date the licensee forwarded the required information to the state adoption records unit for preservation, if applicable;
5. The adoption home study and related documents;
6. Orientation and training provided;
7. A copy of the full, factual information on the child provided to the adoptive parent or

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parents;

8. Narrative account of the licensee's preparation of the family for the placement of the child;

9. Fees charged and agreement between licensee and adoptive parent or parent regarding fees;

10. The date of approval and the approval period;

11. Documentation of any complaints or investigations by Child Protective Services;

12. Refusal to accept a child; and

4. 13. Other information required by this Chapter.

22 VAC 40-130-424. Forwarding of adoption material.

A. In accordance with § 63.2-1246 of the *Code of Virginia*, within 30 calendar days after finalization of the adoption, all pertinent material shall be forwarded to the Virginia Department of Social Services, Foster Care and Adoption Unit, for preservation.

B. Licensees must comply with the requirements for the preparation of adoption material to be forwarded contained in:

1. Services Manual, Volume VII, Section III, Chapter C, Adoption – Agency Placement, Part 6.B, “Preserving Information from Foster Care and Adoption Records”; or

2. Chapter D, Adoption – Non-agency Placement and Other Court-ordered Services, Section 11.30, “Guidelines for Preparing Materials for Preservation,” as applicable.

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PART VI.

INTERSTATE AND INTERCOUNTRY PLACEMENTS.

22 VAC 40-130-430. Interstate ~~compacts~~ Compact on the Placement of Children.

~~A child-placing agency~~ The licensee shall comply with the Interstate Compact on the Placement of Children (§§ 63.2-1000, 63.2-1105, and 63.2-1817 of the *Code of Virginia*) before sending a child out of state or receiving a child into the Commonwealth for foster care, treatment foster care, independent living, or adoption. ~~The procedures to be followed are in the Service Programs Manual, Volume VII, Section III, Chapter E.~~

22 VAC 40-130-440. Procedures.

~~If an agency does an adoptive home study before a child has been identified, the Interstate Compact Office is not involved. However, the agency shall:~~

- ~~1. Inform the potential adoptive parent or parents that the placement of an out-of-state child must go through the compact office; and~~
- ~~2. Attach a statement to the home study explaining the requirement.~~

The licensee shall comply with the relevant procedures in the Service Programs Manual, Volume VII, Section III, Chapter E, Interstate/Intercountry Placement of Children. These procedures apply to both agency and non-agency adoptions.

(Note: The Interstate Compact on the Placement of Children law and procedures are not applicable to arrangements for the care of an unborn child.)

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22 VAC 40-130-450. ~~Out-of-state child.~~ Licensee responsibility for adoption and foster care services on behalf of an out-of-state agency in interstate cases.

A. If a Virginia agency the licensee is asked to supervise the placement of an out-of-state child, it the licensee must have notification of compact approval of the placement from the Interstate Compact on the Placement of Children Office (Compact Office) before proceeding. The placing agency is responsible for obtaining compact approval.

B. For adoptive placements, the licensee shall have an interagency agreement that specifies the period of supervision and responsibilities of both agencies until the adoption is finalized or the placement is terminated.

C. When the licensee is providing supervision for an adoptive placement of a child under the legal authority of an out-of-state agency, visits shall be conducted in accordance with the requirements of the sending agency only when the adoption is to be finalized in a court in the sending state.

D. When the placement is for a foster care placement and the sending state identifies frequency of supervision, visits shall be conducted according to the requirements of the sending state.

E. In the event of a potential foster or adoptive placement disruption, the licensee shall contact the Compact Office if there is a need for more frequent supervision visits.

F. The licensee shall also comply with any requirements of the interagency agreement with the placing agency.

G. The licensee shall send reports of supervision, and placement disruption, if any, to

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the Compact Office and shall not send reports directly to any entity in the sending state without approval from the Compact Office.

H. Such permission shall be recorded in the narrative.

I. The licensee shall not provide services in other states without obtaining the written approval to provide those services from the appropriate authorities in the other state.

(Note: The written approval may be in the form of a license from the other state to conduct the specified activities or a letter from the other state granting approval or stating licensure and approval is not required to conduct the specified activities in the other state.)

J. The licensee shall provide the Compact Office with a copy of the written approval to provide services in the other state.

K. If the licensee becomes aware that a placement has been made without interstate approval, the licensee shall notify the Interstate Compact on the Placement of Children Office in writing within five business days of becoming aware of the placement.

L. When the licensee has agreed to complete an adoptive home study for a prospective adoptive parent or parents who have applied to an agency in another state or a family pursuing a parental placement of a child from another state, the home study shall be completed in accordance with the adoptive home study requirements in this Chapter. The home study may also include additional information required by the other state.

M. The licensee shall complete an adoptive home study for a family that has applied to an agency in another state, or a family pursuing a parental placement of a child for

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another state, only when the licensee's program description includes its plan to provide post placement supervision of the specified type of placement, such as children with special needs.

N. When a child already in an adoptive placement moves from another state into Virginia, or if an adoptive placement is planned within three months of a family's relocation to Virginia, a home study update shall be completed in accordance with the requirements of this Chapter at 22 VAC 40-130-404 and 406. In all other situations, a new home study in accordance with 22 VAC 40-130-395, 22 VAC 40-130-401, and 22 VAC 40-130-402 shall be completed.

O. When a child already in a foster home placement moves from another state into Virginia, a home study update shall be completed in accordance with the requirements of this Chapter at 22 VAC 40-130-272. In all other situations, a new home study in accordance with 22 VAC 40-130-270 shall be completed.

22 VAC 40-130-452. Agency responsibility in intercountry placements/adoptions.

A. In order for the licensee to assist families in arranging for placements of children from foreign countries, either directly or through other agencies, the licensee shall comply with this section.

B. The licensee shall maintain and make available to its staff and to prospective adoptive parent or parents written information about Virginia's pre-adoptive requirements for intercountry placements and assist the family in determining when these requirements are applicable.

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C. The licensee shall maintain and make available to its staff and to the prospective adoptive parent or parents written information about the requirements of the Bureau of U. S. Citizenship and Immigration Services.

D. A licensee providing any type of intercountry services shall comply with the following:

1. The licensee shall obtain and disclose to the prospective adoptive parent or parents all available medical, developmental, and social history for the child, the birth family and extended family, and shall include the child's placement history.

2. Documentation shall be filed in the child's record where the licensee has received custody or in a separate section of the adoptive parent's or parents' record where the prospective adoptive parent or parents have received guardianship or a final decree of adoption in the foreign country.

3. The licensee shall notify the prospective or current foster or adoptive parents within five working days whenever it receives written information that a source or program in a foreign country is suspending its adoption program.

4. During the home study process, the licensee shall discuss with the prospective adoptive parent or parents:

a. The risks of adopting a child from another country, including, but not limited to, coping with changes in laws in the other country, changes in fees, issues regarding the legal availability of the child, risks involved with lack of medical, developmental, and other background information on the child, and the placement of another child if the child originally described is no longer available;

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b. The prospective adoptive parent's or parents' abilities to provide for the care, guidance, and protection and meet the needs of a child from a different race or ethnic background and, if pertinent, overcome language barriers;

c. The prospective adoptive parent's or parents' feelings and attitudes toward sharing with the child facts about the adoption including how the prospective adoptive parent or parents plans to teach the child about, identify with, and have information about his native country;

d. The prospective adoptive parent's or parents' expectations for children whose living circumstances prior to placement included living in an orphanage or institution; expected behaviors, attachment, and bonding issues; the life-long impact of the child's history; and the prospective adoptive parent's or parents' abilities to cope with any issues that may occur related to the child's previous living circumstances and care; and

e. The availability of and requirements for post-placement supervision and the importance of supervision in the resolution of any adoption-related issues.

E. In addition, a licensee working directly with agencies or resources in other countries shall comply with the following provisions:

1. Written information on the laws, policies and procedures for U.S. citizens to adopt from the particular country shall be maintained by the agency and made available to staff members and the prospective adoptive parent or parents, or the licensee shall document its efforts to obtain the information.

2. During the home study process, the licensee shall discuss with the prospective

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adoptive parent or parents the time frame and fees specific to adopting a child from another country, the children typically available from specific countries, and the prospective adoptive parent's or parents' responsibility for a child when receiving custody or guardianship of a child under the laws of the child's country.

3. The licensee shall make every effort to obtain documentation of a child's legal availability for adoption before the child is assigned to an adoptive parent or parents. If the licensee cannot obtain this information, the efforts made shall be documented in the adoptive parents' record. The adoptive parent or parents shall be informed of any known information about the child's legal availability.

4. The licensee shall make every effort to obtain credentials and qualifications, if any, of agents or facilitators in the foreign countries. Prior to using the services of an agent or facilitator, the licensee shall evaluate the agent or facilitator to determine his experience and knowledge in the field of intercountry adoption, his reputation with other clients and with the U. S. Embassy in the other country, and his willingness to provide information to the licensee.

5. The licensee shall have a separate file with this information.

F. If, after completion of the home study for an intercountry adoption, the prospective adoptive parent or parents decide to pursue an intercountry placement without the assistance of the licensee, the licensee shall document in the family record that the prospective adoptive parent or parents withdrew from the intercountry program and the licensee shall have no further responsibility to provide services.

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G. The licensee's representative who completes a home study for an intercountry adoption shall offer to provide, or refer the prospective adoptive family for, supervision and adoptive family support and preservation services.

H. The licensee shall document efforts to encourage the family to obtain a Final Order of Adoption in Virginia in order to secure an American birth certificate for the child and inform the family of the need to complete the process of the child's naturalization through the Bureau of U. S. Citizenship and Immigration Services, which confers citizenship to the child.

PART VII.ASSISTED CONCEPTION.22 VAC 40-130-453. Home study requirements.

A. The licensee shall comply with §§ 20-156 through 20-165 of the *Code of Virginia*, that establishes control of actions related to the status of children of assisted conception.

B. The licensee shall conduct a home study of the intended parents, the surrogate, and her husband in accordance with the adoptive home study requirements of 22VAC 40-130-395, 22 VAC 40-130-401, and 22 VAC 40-130-402.

C. The licensee shall:

1. Provide or ensure that all parties have received counseling concerning the effects of the surrogacy contract; and

2. Document the counseling in the record.

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PART VIII.

INDEPENDENT LIVING SERVICES.

22 VAC 40-130-454. Authorization to provide independent living.

In addition to Parts I, II, III, IX, and X and, if applicable, interstate compact requirements as found in 22 VAC 40-130-430, 22 VAC 40-130-440 and 22 VAC 40-130-450, the standards in this part shall be met for a licensee to receive authorization to provide independent living placement services to children in Virginia. The licensee shall be responsible for maintaining compliance with these standards and all related laws in Virginia.

22 VAC 40-130-455. Program description.

A. A licensee authorized to place youth in independent living shall have a comprehensive written program description of services, organizational structure, policies, and record-keeping procedures including:

1. The licensee's philosophy on and purpose of supervised independent living placements and the geographical area to be served;
2. The criteria for admission and discharge, including requirements for emergency termination;
3. The admission assessment, ongoing process, and methods used to determine the appropriateness of the independent living placements;
4. The nature and frequency of supervision provided to youth placed in independent living arrangements;

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5. A description of services available to the youth during placement and the life skills the youth must achieve to be successfully discharged;

6. The types of living arrangements approved by the licensee and the criteria used to approve the living arrangements;

7. A crisis response system ensuring that youth have 24-hour access to licensee personnel;

8. The means of financial support for the youth;

9. Provisions for emergency medical care which ensure prompt response to a youth's medical needs;

10. A description of the responsibilities and workload for the child-placing staff and the division of workload among staff members;

11. The requirements for the organization and contents of the child's case record, to include all required documentation; and

12. Other policies and procedures as necessary.

B. A summary of the program description shall be provided to all youth placed in independent living and either the complete description or a summary description shall be given to agencies or individuals who ask about the services of the agency or request a copy.

22 VAC 40-130-456. Responsibilities of the licensee.

It shall be the responsibility of the licensee to:

1. Evaluate each youth's ability to assume responsibility and work towards the goal of

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independence within a specified time frame;

2. Obtain written approval of the parent or parents or legal guardian for youth under 18 years of age regarding the youth's participation in the program;

3. When the parent or parents are not the legal guardians of the youth, provide the parent or parents with written notification of the youth's placement where possible and appropriate;

4. If a youth is discharged from the program prior to the age of 18, release him to the parent or parents or legal guardian.

5. If the licensee is the legal guardian, notify the court;

6. Develop a service plan in accordance with 22 VAC 40-130-458, review the plan every three months, and revise and update as necessary;

7. Develop a monthly budget with the youth and meet monthly with the youth to review the budget. (Note: these reviews may occur less frequently after the first six months if the youth demonstrates the ability to maintain the budget);

8. Meet with the youth at least twice a month through face-to-face contact to discuss the youth's progress as it relates to the service agreement and to cover the life skills assessment. The licensee shall have at least weekly telephone contact with the youth if there has not been face-to-face contact during the week. At least one meeting per month shall be at the youth's living arrangement;

EXCEPTION: If a youth is living in a college dormitory, at least one meeting every 90 days shall be in the dormitory;

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9. Document contacts with the youth in the youth's record;

10. Provide the youth with the name and telephone number of someone he can contact in an emergency during business hours and the necessary information to contact a licensee's representative after business hours;

1. Have a written plan which will assure the availability of resources to meet the youth's basic needs for shelter, food, clothing, and medical care as observed and documented by licensee staff;

12. Assume responsibility to provide or seek services to support the independent living placement for the youth until such time it is determined that the youth is no longer appropriate for the program or is able to successfully complete the program; and

13. Assume responsibility for provision of medical care as required in 22 VAC 40-130-221.

22 VAC 40-130-457. Intake.

A. In addition to the licensee's criteria for admission, the youth shall meet the following requirements before the licensee shall place him in an independent living arrangement.

The youth shall:

1. Be at least 16 years of age, but not yet 21;

2. Be in the custody of a local department of social services, licensed child-placing agency, parent or guardian;

3. Have exhibited a pattern or readiness to be able to live without daily substitute parental supervision;

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4. Not be a threat or danger to himself or to others in the community as determined by:

a. A review of the youth's most recent discharge report and recommendation from the source of that report;

b. The interview; and

c. Assessment of the child that shall include psychiatric or psychological evaluations in the last 12 months or contact with a child's current therapist;

5. Be involved or have a commitment to be involved in an educational or vocational training program or employment; and

6. Be determined to have the potential to be successful in an independent living placement and document the rationale for this determination.

B. The licensee shall document that it has the authority to place the youth as specified in 22 VAC 40-130-210 A.

C. Prior to admission for placement in an independent living arrangement, the licensee shall assess the youth's suitability and appropriateness for placement. The assessment shall be documented in the youth's record and shall include:

1. Information from the parent or parents or legal guardian, foster parent, and community resource person, if applicable, about the youth's current behavioral functioning in the home and the community;

2. Physical and dental examinations as required by 22 VAC 40-130-210 H;

3. List of medications the youth is currently taking, any potential side effects, and documentation by the youth's physician of the youth's ability to administer medication

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independently; and

4. A social history as required by 22 VAC 40-130-210 I.

D. The licensee shall have a face-to-face interview with the youth as part of the licensee's assessment prior to the youth's acceptance for independent living placement.

This interview shall be documented and include:

1. A review of the service agreement with the youth to include a discussion of the licensee's and youth's expectations and responsibilities;

2. Orientation to the program and services to be provided; and

3. A review of the goals and objectives of independent living placement.

E. The youth's parent or parents or legal guardian if available, shall participate in planning the independent living arrangement or documentation shall be provided of the reasons for not being involved.

F. The youth shall participate in planning the independent living arrangement.

G. Prior to the youth's placement, the licensee shall approve all living arrangements based on the licensee's criteria as described in the agency's program description except housing approved by colleges and other educational or vocational providers.

H. An agreement between the licensee and the youth shall be developed, signed, and kept in the youth's record. Copies of the agreement shall be given to the youth and to the parent or parents or legal guardian and placing agency.

I. The agreement shall include, but is not limited to:

1. The type of independent living arrangement, including address;

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2. The youth's understanding that the physical arrangements must be approved by the licensee except when housing is approved by colleges and other educational or vocational providers;
 3. Expectation for the youth to comply with the individualized service plan;
 4. The youth's responsibility to inform the licensee within a specified time frame, but no later than 72 hours, of any major changes in his situation and that the need for surgery or other treatment for serious injuries or illness shall be reported to the licensee as soon as physically possible to the licensee;
 5. A plan to seek emergency assistance from medical professionals, police, and fire fighters;
 6. A statement that the youth will be terminated from the program if the licensee's attempts to support the youth have been unsuccessful;
 7. The method, frequency, and amount of financial payment;
 8. A summary of the licensee's policies and procedures; and
 9. A summary of the procedures to be used to meet the licensee responsibilities in 22 VAC 40-130-456.
- 22 VAC 40-130-458. Permanency and court service plans
- A. The licensee shall follow the requirements of § 16.1-282 related to court review of the service plan, court hearings, and completion of adoption progress reports.
 - B. The licensee shall comply with the permanency planning goals and the procedures requirements in the Service Programs Manual, Volume VII, Section III, Chapter B,

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Section 8, "Preparing the Initial Service Plan" and Section 10, "Reassessments, Reviews, and Re-Determinations."

22 VAC 40-130-459. Individualized service plan for youth in independent living placement and case record requirements.

A. An individualized service plan shall be written with each youth in an independent living arrangement and placed in the youth's record within 30 days of admission for placement. The service plan shall include:

1. A description of the specific life skills to be achieved by the youth;
2. The youth's responsibilities along with time frames for achievement of each targeted life skill; and
3. A description of the parent's or parents' or guardians' responsibilities in achieving the identified life skills. Note: If involvement of the parents or guardians is not possible or is clearly inappropriate, the reasons shall be stated in the plan;
4. A description of the services and training that will be provided by the licensee to help the youth achieve the identified life skills and a statement of the type and frequency of supervision provided by the agency;
5. An assessment of the youth's physical and mental health, including any medical or dental care the youth receives;
6. An assessment of the youth's adjustment to the living arrangement using the criteria developed by the agency;
7. The target date for discharge and the youth's involvement in discharge planning; and

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8. Documentation in the child's record of the youth's and parent's or parent's or guardian's involvement in the development of the service plan or reasons for not being involved.

B. The service plan shall be evaluated every 90 days from the date of the initial plan with progress reported on each item in the plan, including each identified life skill.

C. Each youth shall have a file that contains the documentation required by this Chapter.

D. The file shall also contain:

1. A face sheet, which shall be updated as needed, that includes the youth's name, date of birth, Social Security Number, if known, and date of admission;

2. The name, address, phone number, marital status, Social Security number, if known, of the parent or parents or legal guardian and the placing agency; and

3. The address of the youth's independent placement with a telephone number, if available.

~~22 VAC 40-130-460. General.~~

~~Agencies shall keep records and make reports as required by the Department of Social Services pursuant to §63.1-203 of the Code of Virginia. Reports include the criteria listed in 22VAC40-130-470 and 22VAC40-130-480.~~

22 VAC 40-130-461. Discharge from care.

A. The licensee shall complete a discharge summary within 30 days of discharge and include:

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1. The reason or reasons for the discharge;
 2. The name or names of persons with whom the youth has been placed or to whom he was discharged;
 3. Follow-up services, if any, to be provided the youth and family or guardian;
 4. A description of the services provided while the youth was in care;
 5. An evaluation of the progress made towards achievement of the targeted life skills listed in the individualized service plan; and
 6. Recommendations to the youth and other agency of future services, if the youth is placed with another agency.
- B. Discharge planning shall be developed with the youth, the youth's parent or parents or legal guardian, and the placing agency, if applicable.
- C. The licensee shall not discharge a youth without the knowledge, consent, and notification of the placing agency and/or parent or parents or legal guardian.
- D. Youth under the age of 18 shall only be discharged to the parent or parents, legal guardian, or child-placing agency holding custody.
- E. If the legal guardian is different from the placing agency and the youth is discharged to the placing agency, the legal guardian shall be notified of the youth's discharge from the program, if different from the placing agency.
- F. Upon discharge a copy of medical and school records, and birth certificate if the licensee holds custody, shall be given to the parent or parents or legal guardian or receiving agency.

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G. Information shall be released to a youth who has reached 18 years of age provided the licensee complies with the confidentiality provisions of § 63.2-104 of the Code of Virginia.

PART VII. IX.

REPORTS.

~~22 VAC 40-130-470. Death of a child.~~

~~The agency shall:~~

- ~~1. Notify the parent or parents or guardian of the child immediately; and~~
- ~~2. Notify the licensing representative within 48 hours.~~

~~A written report of the circumstances shall be made to the licensing representative within seven days of the death.~~

~~22 VAC 40-130-480. Abuse or neglect, or both.~~

~~The agency shall:~~

- ~~1. Immediately notify the appropriate local department of social services of all complaints or suspected cases of abuse and neglect of a child;~~
- ~~2. Cooperate with the local department in its investigation of the complaint;~~
- ~~3. Make its own investigation of each complaint to determine whether or not its policies and procedures have been violated; and~~
- ~~4. Report the results of its investigation to the licensing representative within 90 days of receipt of the complaint.~~

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22 VAC 40-130-481. General.

A. Agencies shall keep records and make reports as required by the Department of Social Services pursuant to § 63.2-1708 of the Code of Virginia.

B. Reports include the criteria listed in 22 VAC 40-130-491 and 22 VAC 40-130-501.

~~22VAC40-130-490. Inspection.~~

~~The agency shall provide licensing representatives reasonable opportunity to inspect all facilities, books and records related to the child-placing program.~~

22 VAC 40-130-491. Death or serious illness of a child; runaway

A. When a child in the licensee's custody or care dies, the licensee shall:

1. Notify the parent or guardian of the child immediately. If the legal guardian is a local board of social services, use the emergency after hours on-call system, if applicable;

2. Notify the licensing representative in writing within 24 hours or by the end of the next business day; and

3. Document in the child's record:

a. The date and time of the death;

b. A description of the event, including notification of police, medical personnel, etc.;

c. Identification of actions taken; and

e. The name of the person making the report.

B. A written report of the circumstances shall be made to the licensing representative within seven days of the death.

C. When a child in the licensee's custody or care suffers a serious accident or injury

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requiring hospitalization, the licensee shall:

1. Notify the parent or legal guardian immediately. If the legal guardian is a local board of social services, use the emergency after hours on-call system, if applicable; and

2. Document in the child's record:

a. The date and time the incident occurred;

b. A description of the event, including notification of medical personnel, etc.;

c. Identification of the actions taken; and

d. The name of the person making the report.

D. When the caregiver, or person supervising the independent living placement, believes a child in the licensee's custody or care is believed to be lost or a runaway from the placement, the licensee shall:

1. Notify the parent or legal guardian immediately or document attempts to provide notification. Notification shall occur no later than the close of the next business day. If the legal guardian is a local board of social services, use the emergency after hours on-call system, if applicable;

2. Notify the licensing representative in writing within 24 hours or by the end of the next business day; and

3. Document in the child's record:

a. The date and time the absence was noted;

b. A description of the event, including notification of police, medical personnel, etc.;

c. Identification of the actions taken;

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d. The date, time, place, and circumstances when the child is located, if applicable; and

e. The name of the person making the report.

~~22 VAC 40-130-500. Storage.~~

~~Active and closed case records shall be kept in locked, metal files. They shall be systematically filed.~~

22 VAC 40-130-501. Abuse and neglect.

A. The licensee shall:

1. Immediately notify the appropriate Child Protective Services unit of the local department of social services or the Child Abuse and Neglect Hotline of all reported or known suspected cases of abuse and neglect of a child under the agency's supervision;

2. Immediately notify the custodial agency worker or supervisor, if different from the licensee, and the parent or legal guardian unless inappropriate;

3. Report the results of its investigation to the licensing representative within 24 hours or by the end of the next business day after the results are known whenever the allegations of abuse or neglect of a child under the agency's supervision involve a staff member of the licensee, provider approved by the licensee, adult member living in a home approved by a licensee, or any other person;

4. Cooperate with the local department in its investigation of the complaint;

5. Investigate each complaint to determine if the licensee's policies and procedures have been violated.

B. The findings shall be recorded in the staff or home record and the child's record; and

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C. When the complaint has been accepted by Child Protective Services and assigned to the investigative track, the licensee shall submit a written report of the status of its investigation to the licensing representative within 60 days of receipt of the complaint and a final report within 90 days. The Child Protective Services' disposition and any licensee action taken shall be included in the final report.

1. In the event of an appeal of the disposition, the licensee shall submit a report of this disposition, within 30 days of its occurrence, covering the details of the disposition and any licensee action taken.

2. The licensee shall decide whether to immediately remove the child from the home.

a. This decision shall be based on an assessment of risk made in consultation with the local department of social services and the child's parent or parents or legal guardian.

b. This decision shall be documented in the final report.

PART VIII. X.

CASE RECORD REQUIREMENTS.

~~22 VAC 40-130-510. Confidentiality.~~

~~Case records are confidential.~~

~~22VAC40-130-520. Entries in case records.~~

~~A. All entries shall be dated. They shall indicate who performed the service and be signed or initialed.~~

~~B. If an agency has offices in more than one state, the record shall identify the office which provided the service.~~

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22 VAC 40-130-521. Inspection.

The licensee shall provide the licensing representatives reasonable opportunity to inspect all facilities, books, and records related to the licensee's program, including the minutes of all board and committee meetings for corporations and unincorporated associations.

~~22 VAC 40-130-530. Evidence of compliance.~~

~~To be in compliance with a standard:~~

- ~~1. There shall be written evidence that the requirement has been met;~~
 - ~~2. It shall be completed by the required date if a time limit is specified in the standard;~~
- ~~and~~
- ~~3. It must be filed in the appropriate record within 30 days unless otherwise specified in this chapter.~~

~~NOTE: Whenever possible, information shall be recorded in the appropriate place and not repeated elsewhere.~~

22 VAC 40-130-531. Storage.

Active and closed case records shall be stored in locked metal cabinets.

EXCEPTION: The licensee may store records electronically if:

1. There is an electronic back-up to the record; and
2. The licensee ensures that the material can be retrieved if, in the future, children invoke their rights to access information in their record in accordance with §§ 63.2-104 and 63.2-105 of the *Code of Virginia*.

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~~22 VAC 40-130-540. Retention of records.~~

~~A. Upon entry of a final order of adoption or other final disposition of a matter involving adoption, all reports and collateral information shall be forwarded to the commissioner.~~

~~B. The agency shall retain a copy of the child's subsidy record as long as the child receives a subsidy.~~

~~C. If a child has been united with his biological family before reaching majority, case records shall be retained until one year after his 21st birthday.~~

~~D. Records shall be retained permanently for any children who have not been adopted nor reunited with their families.~~

~~E. When an agency ceases to operate, it shall inform the department in writing of the location for the retention of its records.~~

22 VAC 40-130-541. Confidentiality.

Case records are confidential. (Note: See §§ 63.2-104 and 63.2-105 of the Code of Virginia.)

~~22 VAC 40-130-550. Disclosure of information.~~

~~A. If a child has reached his majority without being adopted, information shall be revealed to him according to the provisions of §63.1-209 of the Code of Virginia.~~

~~B. Information concerning children who have been legally adopted shall be revealed to them only according to the provisions of §63.1-236 of the Code of Virginia.~~

22 VAC 40-130-551. Entries in case records.

All entries shall be dated and:

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1. Indicate who performed the service;
2. Be signed or initialed;
3. Be typed, neatly printed, or computer-generated; and
4. Identify the office that provided the service, if the licensee has offices in more than one location.

22 VAC 40-130-560. Evidence of compliance.

To be in compliance with a standard, the licensee shall have written evidence that the requirement has been met within the date required by the standard and filed in the appropriate record within 30 days unless otherwise specified in this Chapter.

22 VAC 40-130-570. Retention of records.

- A. Upon entry of a final order of adoption or other final disposition of a matter involving adoption, all reports and collateral information shall be forwarded to the commissioner.
- B. The licensee shall retain a copy of the child's subsidy record as long as the child receives a subsidy.
- C. If a child has been united with his family before reaching majority, case records shall be retained until his 23rd birthday.
- D. When the licensee has custody of a child, the records shall be retained permanently for any children who have neither been adopted nor reunited with their families.
- E. When the licensee does not have custody of the child, the agency shall retain the record until the person's 23rd birthday and then offer the record or information from the record to the custodial agency.

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F. When the licensee ceases operations, the licensee shall store all records with a public or licensed child-placing agency and inform the department in writing of the location for the retention of its records.

22 VAC 40-130-580. Disclosure of information.

A. If a child has reached his majority without being adopted, information shall be revealed to him according to the provisions of §-63.2-104 of the *Code of Virginia*.

B. If a child has reached his majority and has been legally adopted, information concerning the person who has been legally adopted, birth parents and adoptive parents shall be disclosed according to the provisions of §§ 63.2-1246 and 63.2-1247 of the *Code of Virginia*.

C. The licensee must comply with the Services Manual, Volume VII, Section III, Chapter C, Adoption – Agency Placement, Part 6.C, “Releasing Information From Closed Adoption Records” and Chapter D, Adoption – Non-agency Placement and Other Court-ordered Services, Section 7, “Disclosure of Information from Closed Adoptive Records.”

D. The licensee shall not release non-identifying information from adoption files unless the commissioner has approved the disclosure to the designated party.

E. In sharing non-identifying information, the licensee must share all non-identifying parts of the record related to the adoption decision.

F. If the licensee provided counseling to the birth parent or parents not related to the placement decision, this may be excluded.

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A. In order to be licensed or certified as a child-placing agency providing treatment foster care services in Virginia, child-placing agencies shall meet the requirements of this Part in addition to Parts I, II, III, VI, IX, and X of this Chapter.

B. Licensees established for the purpose of receiving short-term placements shall follow the requirements of Part IV of this Chapter, unless the licensee or certified agency wishes to be certified for Medicaid reimbursed treatment foster care case management services. Note: Additional requirements for Medicaid reimbursed treatment foster care case management have been established by the Department of Medical Assistance Services.

22 VAC 40-130-610. Program description.

A. The licensee or certified agency authorized to place children in treatment foster care shall have a comprehensive written program description describing these services, organizational structure, policies, and record keeping procedures including:

1. The purpose of the treatment foster care program, including a description of the population the licensee or certified agency is prepared to serve and the geographical area to be served;

2. A list of the licensee's or certified agency's intake requirements, an explanation of the fee system, if any, and decision-making procedures for acceptance, matching,

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placement and discharge from care;

3. A description of the services provided to:

a. Children;

b. Birth parents and guardians; and

c. Prospective and current treatment foster parents;

4. A statement of eligibility requirements for foster families;

5. A description of the workload for the child-placing staff and the division of the workload among professional staff members;

6. The requirements for the organization and contents of the child's case record, to include all required documentation; and

7. A description of the specific orientation, pre-placement, and ongoing training topics for treatment foster parents.

B. Either the full program description or a summary description shall be given to agencies and individuals who request services from the licensee or request a copy.

22 VAC 40-130-620. Policies and procedures.

A. The licensee or certified agency shall have a written plan for emergency care in the event that a child's placement in a family disrupts.

B. The licensee shall have a written open admissions policy if public funds are involved.

1. It shall state that the program is open to all children without regard to race, color, religion, national origin, or sex .

2. It shall say also that children with disabilities will be accepted if their needs can be

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reasonably accommodated.

3. The policy shall state that race, color, or national origin shall not be the sole factor in determining the best placement for the child.

C. The licensee shall include or summarize this open admissions policy in all brochures and material used for advertisement or distributed to the public.

D. The licensee shall have policies and procedures governing the agency's responsibility to determine that treatment foster parents:

1. Properly administer and document over the counter and prescription medication for treatment foster children placed in their homes;

2. Have knowledge of side effects of medication;

3. Have knowledge of actions to be taken in response to side effects of or adverse reactions to medications;

4. Notify the licensee or certified agency of adverse reactions to medications; and

5. Have knowledge of the secure storage, retention, and disposal of medication.

E. The licensee shall have a policy and procedure governing the assignment of designated staff to be available to treatment foster parents on a 24-hour, seven-days-a-week basis.

F. The licensee shall have a written discharge policy describing both planned and emergency discharge from the program.

G. The licensee shall have written policies and procedures for accepting emergency and short-term placements, if applicable.

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22 VAC 40-130-630. Intake.

A. Before placing a child in treatment foster care, the licensee or certified agency shall have the authority to place based on:

1. A commitment by any court of competent jurisdiction;
2. A temporary or permanent entrustment or commitment by the parent or parents, relatives, or other person having legal custody;
3. A placement agreement from an agency with legal custody; or
4. A placement agreement signed by the local department of social services having jurisdiction when a noncustodial agreement has been signed between the parent or legal guardian and the local department or another public agency.

EXCEPTION: An agency licensed as a child-placing agency and certified as a private day school for children with disabilities by the Department of Education shall not be required to take custody of a child placed in its special education program, but shall enter into a placement agreement with the parent or other individual holding custody.

B. To achieve sound placement decisions and planning for relevant treatment services to children, the licensee or certified agency shall receive from the placing agency or assemble directly, review, and assess the following material prior to a child's admission for placement.

C. All material shall indicate the date it was received by the licensee or certified agency.

1. An application for admission, which shall include:
 - a. The reason for the placement;

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- b. The services requested by the placing agency, parent, or guardian;
 - c. Information from the past 12 months on the child's health and behavior in the home or in the previous living situation;
 - d. Current school information, including grade level and adjustment to school;
 - e. Information on the child's skills, interests, strengths, and talents;
 - f. A list of current medications, dosages prescribed, and reasons for the medications;
 - g. Known mental health history of the child, including needs and professional treatment received;
 - h. The child's permanency planning goal and planned achievement date; and
 - i. The name of parent or guardian, placing agency, and placing agency worker including addresses, telephone numbers, and emergency contacts;
2. Current service or treatment plans from others and discharge plans from previous placements during the year prior to referral, if any;
3. A social history shall be received prior to placement in order to assist in determining the treatment goal and identifying the services needed to reach the goal;
- a. The licensee may utilize an existing social history provided it is current within 30 days of application for admission. If an existing social history is used:
 - (1) The child must have current physical and dental examinations. See "J" of this section for an explanation of "current" for physical and dental examinations; and
 - (2) The licensee shall prepare an addendum if there have been any changes in the last 30 days;

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b. If the social history from the placing agency is not current within 30 days, the licensee shall prepare a social history within 30 days of admission and place it in the child's file.

4. Social history information shall include:

a. Information on the child's family structure, relationships, and involvement with the child;

b. The child's previous placement history;

c. The child's developmental, educational, and medical history;

d. The child's history as a victim of abuse and neglect, including history of prenatal neglect or substance abuse of mother, if applicable;

e. The family's medical history as it relates to the suitability of the child for placement;

f. The education and occupation of the child's parents;

g. A description of the child's appearance;

h. Strengths and needs;

i. Any emotional, psychological, or psychiatric problems of the child and professional treatment received, if applicable;

k. The most current psychological and psychiatric assessments, if any; and

j. The child's school history;

5. Background information from other sources, such as court reports and previous social histories, if any; and

6. The child's previous medical records, if available.

7. If any of the information required above is incomplete, not available, or is unknown to

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the individual or agency placing the child, the licensee or certified agency shall have 30 days from placement to receive and compile this information in the child's record.

a. If the information cannot be located, the licensee or certified agency shall document the reasonable efforts to obtain it.

b. The reason it is not available shall be documented in the child's record.

8. The licensee or certified agency shall ensure that, prior to placement, the child has a medical report up-to-date according to the current federal Medicaid benefit known as Early Periodic Screening, Diagnosis, and Treatment (EPSDT). This includes:

a. The current "Virginia EPSDT Periodicity Schedule";

b. The most current "Recommended Childhood Immunization Schedule - United States"; and

c. Documentation that the child was screened or tested and, based on available information, can be considered free from tuberculosis in a communicable form.

9. If any medical exam is not up-to-date at the time of placement, it must be up-to-date within 30 days after placement. No violation will occur if there is documentation that the licensee made an appointment within 7 days of placement, but the first available appointment was more than 30 days after the placement.

10. Each child over three years shall have had a dental examination by the third birthday or, if three years of age or older, according to the check-up schedule of the American Academy of Pediatric Dentistry.

a. Documentation shall be in the child's record.

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b. If any dental exam is not up-to-date at the time of placement, it must be up-to-date within 30 days after placement. Note: No violation will occur if there is documentation that the licensee made an appointment within 7 days of placement, but the first available appointment was more than 30 days after the placement.

D. The licensee or certified agency receiving emergency placements as defined in 22 VAC 40-130-10 shall have 30 days to receive this information.

E. Unless there are valid reasons for not doing so, the licensee or certified agency shall interview the child and his parent or legal guardian prior to placement. If the child, or the parent or the legal guardian, cannot be interviewed, the reason shall be documented in the child's record.

EXCEPTION: This shall not apply to emergency placements.

F. The licensee or certified agency shall arrange a pre-placement visit for the child in the treatment foster home. If this is not possible, the reason shall be documented in the child's record.

EXCEPTION: This shall not apply to emergency placements.

G. Within two weeks of placement, the licensee or certified agency shall prepare the initial plan for services to be provided to the child, and the child's family as appropriate, during the first 45 days of care.

H. By the end of 30 days of placement, the licensee or certified agency shall prepare a written report based on the agency's assessment of the intake information required in 22 VAC 40-130-630, B – E, and include the following:

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1. The strengths and needs of the child;
2. A summary of the pre-placement interview and placement;
3. The reason a particular treatment foster home was selected and the matching factors considered for this decision;
4. The reason the child was accepted;
5. Documentation that the placement decision was made by:
 - a. A person who meets the qualifications of a child-placing supervisor;
 - b. A case work supervisor; or
 - c. A committee when a case work supervisor is present and in agreement; and
6. The date the decision was made.
 - I. The licensee or certified agency shall ensure that each child is provided treatment, services, and care in a nurturing home setting with attention given to the health, safety, and welfare of the child.
 - J. The licensee or certified agency shall ensure the school enrollment of each school-age child for whom it has custody. It shall:
 1. Enroll the child either within 72 hours of placement or by the end of the next day school is open;
 2. Provide the required enrollment documentation or written statement that, to the best of the licensee's or certified agency's knowledge, the child meets enrollment requirements and maintain a copy of the information in the child's record;;
 3. Provide notification of placement to the principal and school division superintendent;

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4. Notify the principal of the status of parental rights;

5. Notify the principal of any subsequent change in the status of parental rights within five business days; and

6. Document the enrollment, submission of documentation or statement, and notification of school officials in the narrative.

If a written statement was signed at the time of enrollment, the licensee or certified agency shall provide the required documentation within 30 days of enrollment.

20 VAC 40-130-640. Acceptance of child and placement agreements.

A. A child shall be accepted and placed only after careful consideration of how well the prospective treatment foster family can meet the child's needs and preferences.

Important considerations include, but are not limited to:

1. The treatment foster parents' specific skills, abilities, and attitudes needed to work effectively with the child to be placed in their care in the areas of behavior management, crisis intervention and stabilization, supportive counseling, promotion of the child's strengths and positive attributes, and implementation of a treatment and service plan;

2. The treatment family composition, willingness and ability to work with the child's family; and

3. Availability and access to resources required to meet the child's needs.

B. When a child is accepted for placement from another licensed child-placing agency or local department of social services that is retaining custody or has a non-custodial agreement with the parents or guardian:

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1. The receiving licensee or certified agency shall obtain a placement agreement before placing the child. The agreement shall include:

a. Financial responsibilities of each agency; and

b. Other responsibilities of each agency, including the services each agency agrees to provide for the child, the child's family and foster family.

2. The agreement shall also include:

a. Provisions for receiving consent for routine and emergency medical and dental care for the child;

b. Permission for out-of-state travel; and

c. Permission, if necessary, for the child to participate in any fund-raising activities.

3. The agreement shall be signed by the receiving agency and by the custodial agency or the local department of social services when the placement is authorized through a non-custodial agreement with the parents.

4. If changes are made, the agreement shall be amended and the changes signed or initialed by an appropriate person.

C. The agreement shall provide for the enrollment of each school-age child in school.

1. When a child is accepted for placement from another child-placing agency that is retaining custody, the agreement shall include arrangements for enrolling any school-age child in school either within 72 hours of placement or by the end of the next day the school is open, provision of required documentation, provision of notification of placement to the principal and school division superintendent, and notification of the

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principal of the status of parental rights; and

2. Arrangements for notifying the principal of any subsequent change in the status of parental rights.

D. The receiving licensee or certified agency shall obtain a copy of any existing service plan sent to the court by the placing agency or document its efforts to obtain one. It shall develop service plans compatible with the goals in the plan sent to the court.

E. The licensee or certified agency shall cooperate with the placing and custodial agency and allow the custodial agency access to the child at all times.

F. When accepting a child for placement from a parent or other individual holding custody, the licensee or certified agency shall obtain a temporary entrustment and follow the requirements of:

1. §§ 63.2-903 and 16.1-277.01 of the *Code of Virginia*; and

2. The Services Programs Manual, Volume VII, Section III, Chapter B, Foster Care, Section 3.5.2, "Temporary Entrustment Agreements."

22 VAC 40-130-650. Permanency and court service plans.

A. When the licensee holds custody of the child, a service plan shall be filed with the court within 60 days after the agency receives custody unless the court grants an additional 60 days, or the child is returned home or placed for adoption within 60 days.

B. When the licensee holds custody of the child, the licensee shall follow the requirements of:

1. §§ 16.1-281 and 16.1-282 of the *Code of Virginia*; and

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2. Regulations promulgated by the State Board of Social Services related to service plans, dispositional hearings, permanency planning hearings, and foster care review hearings.

3. When the licensee holds custody of the child, the licensee must comply with the permanency planning goals and the department's Service Programs Manual, Volume VII, Section III, Chapter B, Foster Care, Section 8, "Preparing the Initial Service Plan" and Section 10, "Reassessments, Reviews, and Re-Determinations."

C. The licensee or certified agency shall:

1. Involve the child's parent or parents in the development of the foster care plan; or

2. Fully describe why the parent or parents were not involved.

D. The licensee shall:

1. Involve the child in the development of the foster care plan; or

2. Fully describe why the child was not involved.

22 VAC 40-130-660. Treatment and service plan.

A. The licensee or certified agency shall prepare and implement an individualized treatment and service plan as defined in the Virginia Administrative Code at 22 VAC 40-130-10 within the first 45 days of placement for each child in its care.

1. The parent or parents shall be involved in the development of the treatment and service plan unless parental rights have been terminated or documentation is provided in the child's record of the reasons for not involving the parent or parents.

2. The child shall be involved in the development of the treatment and service plan or

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documentation provided in the child's record of the reasons for not involving the child.

B. The comprehensive treatment and service plan shall include:

1. A comprehensive assessment of the child's strengths and weaknesses and include the child's emotional, behavioral, social, educational, developmental, nutritional, medical, and supervision needs;

2. The treatment goals and objectives, including month and year projected to meet the goal, including:

a. The child's specific problems, behaviors, or skills to be addressed;

b. Measures for achievement, and;

c. Month and year projected to meet each goal and objective.

3. The programs, therapies, activities, services, and other support including the licensee's or certified agency's treatment foster care case management plan to include:

a. Treatment planning that includes the specific methods of intervention and strategies designed to meet the above goals and objectives;

b. A process for monitoring the impact of the methods of intervention and strategies and documenting the monitoring;

c. A description of how the licensee or certified agency is working with related community resources, including the child's primary care physician, to provide a continuity of care;

d. A description of the planned supervision of foster parents; and

e. A description of the planned evaluation of the effectiveness of the child's plan of

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treatment;

4. The permanency planning goals and objectives, services to be provided for their achievement, and plans for reunification of the child and the child's family, where appropriate. Unless specifically prohibited by court order, foster children shall have access to regular contact with their families;

5. The participation and contact the licensee or certified agency will seek from the child's parents and other prior custodians, if any;

6. The plan for visitation and other contacts with the family that will be sought from the child's parents and other prior custodians;

7. The discharge plan including the target date for discharge from the program;

8. For children age sixteen and over, a description of the programs and services that will help the child transition from foster care to independent living, if appropriate;

9. An agency approved plan for respite; and

10. The plan for supervision based on the needs described in the service plan, to include an agency-approved plan in the event of the absence of the treatment foster parent or parents

11. Based on the agency's evaluation and work with the child and the child's family, other areas to be addressed;

C. The plan shall be signed and dated by the case worker. It shall indicate all members of the treatment team who participated in its development.

D. The licensee or certified agency shall include and work with the child, the placing

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agency, the treatment foster parents, and the parents, unless parental rights have been terminated, in the development of the treatment and service plan and a copy shall be provided to the placing agency.

E. A copy shall be provided to the treatment foster parents if confidential information about the child's birth family is not revealed.

F. A copy shall be provided to the parents, if appropriate, as long as confidential information about the treatment foster parents is not revealed.

G. The licensee or certified agency shall support contact and visitation between the foster child, his family, and others as specified in the treatment and service plan.

22 VAC 40-130-670. Progress report and ongoing service plans.

A. The licensee or certified agency shall complete written progress reports beginning 90 days after the date of the child's placement and every 90 days thereafter.

B. The progress report shall specify:

1. The month, day, and year covered;

2. Progress in meeting the child's specific problems and behaviors and any changes in the individualized service plan about methods of intervention and strategies to be implemented;

3. A description of:

a. The therapies, activities, and services provided during the previous 90 days toward the treatment goals and objectives;

b. The treatment goals and objectives met;

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c. Goals and objectives to be continued or added;

d. Any changes needed for the next 90 days; and

e. Month and year projected for achievement of each added goal and objective;

4. Permanency planning goals including:

a. Services provided during the previous 90 days towards the permanency planning goals, including:

(1) Plans for reunification of the child and family or placement with relatives;

(2) The continuing and/or updated permanency planning goals; and

(3) Services to be provided during the next 90 days;

5. The child's assessment, where appropriate, of:

a. His progress; and

b. His description of services needed, where appropriate;

6. Contacts between the child and the child's family during the previous 90 days and the plan for contact during the next 90 days, where appropriate;

7. Medical needs, specifying medical treatment provided and still needed and medications provided;

8. An update to the discharge plans, including the projected discharge date; and

9. A description of the programs and services provided to children 16 and older to help the child transition from foster care to independent living, where appropriate, including the child's progress in attaining independent living skills.

C. Annually the progress report shall address the above requirements as well as

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evaluate and update the comprehensive treatment and service plan for the upcoming year.

D. The case worker shall date and sign each progress report.

E. The licensee or certified agency shall include each child, who has the ability to understand, in the preparation of his treatment and service plans and progress reports or document the reasons this was not possible. The child's comments shall be recorded in the report.

F. The licensee or certified agency shall include and work with the child, the treatment foster parents, the placing agency and the parents, where appropriate, in the development of the progress report.

G. A copy shall be provided to the placing agency worker and, if appropriate, to the parents and the treatment foster parents, if confidential information is protected.

22 VAC 40-130-680. Contacts with child.

A. There shall be face-to-face contact between the case worker or other designated professional staff member of a licensee or certified agency and the child, based upon the child's treatment and service plan, as often as necessary to ensure that the child is receiving safe and effective services.

B. Face-to-face contacts shall be no less than twice a month, one of which shall be in the foster home. One of the contacts shall include the child and at least one treatment foster parent and shall assess the relationship between the child and the treatment foster parents.

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C. The contacts shall assess the child's progress, provide supervision, training, support, and guidance to the treatment foster parents in implementing the treatment and service plan, monitor service delivery, and allow the child to communicate concerns.

D. A description of all contacts shall be documented in the narrative.

E. Children who are able to communicate shall be interviewed privately once a month.

F. Unless specifically prohibited by court or custodial agency, foster children shall have access to regular contact with their families as described in the treatment and service plan.

G. The licensee or certified agency shall work actively to support and enhance child-family relationships and work directly with families toward reunification as specified in the treatment and service plan.

22 VAC 40-130-690. Medical care.

A. The licensee shall ensure that all children in its care receive routine and emergency medical care.

1. Children shall receive medical examinations according to the current federal Medicaid benefit known as Early Periodic Screening, Diagnosis, and Treatment (EPSDT). This includes:

a. The current "Virginia EPSDT Periodicity Schedule"; and

b. The most current "Recommended Childhood Immunization Schedule - United States."

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2. Reports shall be signed by the physician, his designee, or an official of the local health department.

3. The "School Entrance Health Form" of the Department of Health or form with equivalent information shall be used to meet the requirements for a medical examination.

4. All reports shall include the following, unless the physician or his designee recommends otherwise:

a. Immunizations given in the past 13 months or since the previous examination; and

b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions, and disabilities.

5. The agency shall arrange for the child to receive recommended follow-up care as well as care for illnesses or injuries and shall document all such visits.

B. The licensee or certified agency shall record all medications prescribed for each child and any reported side effects or adverse reactions.

C. Each child over three years of age shall have dental examinations according to the check-up schedule of the American Academy of Pediatric Dentistry.

1. The findings shall be signed by a licensed dentist or his designee.

2. The agency shall arrange for the child to receive the recommended follow-up care as well as care for injuries or other conditions requiring attention between examinations.

D. In consultation with the custodial agency, the licensee or certified agency shall

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provide or arrange for a child to receive psychiatric, psychological, and other clinical services if the need for them has been identified or the service has been recommended.

If a service is not provided after it has been recommended or identified, the reason why the service is not in the child's best interest shall be documented in the service plan.

22 VAC 40-130-700. Other licensee or certified agency responsibilities.

A. When the licensee or certified agency determines that it is in the child's best interest to move the child to another foster home, the agency shall consult with the placing agency prior to the child's move, unless the move is necessary due to an emergency situation or due to child abuse and neglect.

B. When the licensee or certified agency cannot consult with the placing agency, or the parent in the case of parental placement, prior to moving the child, it shall do so before the end of the next business day after the move.

C. The circumstances surrounding the move of a child shall be documented in the child's record before the end of the next business day after the move.

22 VAC 40-130-710. Narratives in the child's record.

A. Narratives shall be in chronological order and current within 30 days.

B. Narratives shall include areas specified in the standards and shall include:

1. Treatment and services provided;

2. Contacts made with others on behalf of the child;

3. Contacts with the child, parent or parents, and the persons or agency holding custody if other than the parent;

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4. Documentation of enrollment of each school-age child in school either within 72 hours of placement or by the end of the next day the school is upon by the entity with custody of the child, including submission of required documentation and notification of school officials;

5. Documentation of the amount and frequency of an allowance for any school-age child, and written verification of its distribution at least every 90 days;

6. Documentation at least every 90 days that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season, and in good condition and verification of suitability and condition;

7. Visitation and other contact between the child and the child's family;

8. Documentation of the licensee's contacts with the child; and

9. Other significant events.

22 VAC 40-130-720. Treatment teams in treatment foster care.

A. The licensee or certified agency shall assure that a professional staff person provides leadership to the treatment team. Leadership includes:

1. Managing team decision-making regarding the care and treatment of the child and services to the child's family;

2. Providing information and training as needed to treatment team members; and

3. Involving the child, the child's family, and the placing agency in treatment team meetings, plans, decisions, and keeping them informed of the child's progress, whenever possible.

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B. Treatment team members shall consult as often as necessary, but at least every 90 days.

22 VAC 40-130-730. Crisis intervention and physical restraint.

The use of chemical, mechanical, and physical restraint and seclusion are prohibited.

Physical restraint does not include the use of "hand-on" approaches that occur for extremely brief periods of time and never exceed more than a few seconds' duration and are used to 1) intervene in or redirect a potentially dangerous encounter in which the individual may voluntarily move away from the situation or hands-on approach or to 2) quickly de-escalate a dangerous situation that could cause harm to the individual or others.

22 VAC 40-130-740. Discharge from care.

A. Prior to the child's discharge, the licensee or certified agency shall prepare written recommendations for aftercare.

1. Such recommendations shall specify the nature, frequency, and duration of aftercare services to be provided by the licensee or certified agency to the child and to the child's family as applicable.

2. The recommendations for aftercare services shall be determined and shared with the placing agency and the parents prior to the child's discharge, if possible and where appropriate.

B. A discharge report shall be developed for each child and placed in the child's record within 30 days of discharge.

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C. The discharge report shall include:

1. The date of and reason or reasons for discharge;

2. The name of the person with whom the child was placed or to whom he was discharged, including contact information;

3. A description of the services provided to the child while in care;

4. Progress made while the child was in care; and

D. The report shall also include an evaluation of the progress made towards achievement of the child's treatment goals.

E. Discharge planning shall be developed with the treatment team and with the child in treatment foster care, the child's parents or guardian, if applicable, and the placing agency.

F. Children in the custody of a local department of social services or licensed child-placing agency shall not be discharged without the knowledge, consultation, and notification of the placing agency.

G. Children under the age of 18 shall only be discharged to the agency, parent, or guardian having legal custody.

H. When appropriate, the parents or guardian shall be notified of the child's discharge from the program. This includes a child being moved from treatment foster care to a residential facility.

I. Upon discharge either a copy of medical and school records, and birth certificate if the agency holds custody or notification of where the medical and school records can be

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obtained shall be given to the parents or receiving agency.

J. Information shall be released to a child who has reached 18 in accordance with § 63.2-104 of the *Code of Virginia* and documented in the child's record.

22 VAC 40-130-750. Treatment foster family and foster home capacity.

A. Treatment foster homes shall be evaluated and approved according to the requirements set forth in the home study section of these standards (22 VAC 40-130-800). A licensee or certified agency may have additional requirements at its discretion.

B. The number of children placed for treatment foster care in one treatment foster home shall not exceed two without justification. Such justification may include the need to place a sibling group, the extraordinary abilities of a particular family in relation to the special needs of the child, and the family's ability and capacity to take an additional child.

1. Justification for exceeding two children shall be written, dated, approved, and signed by the supervisor and/or program director or director of social services prior to the placement of additional children in the home.

2. The justification shall include the impact of the additional placement on the other children in the home.

3. The total number of children in the foster home shall not exceed eight, including the treatment foster parent's or parents' own children and other children in the home.

4. The total capacity of the home may be less if the physical accommodations are not adequate or the capabilities and skills of the treatment foster parent or parents are not

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sufficient to manage the maximum number or children or other individuals in the home require special attention or services of the treatment foster parent or parents.

C. Treatment foster parents shall have the right to refuse placement of any child they feel is inappropriate for the home or may be a danger to the children currently in the home.

D. The licensee or certified agency's services and requirements for each foster family following approval include:

1. The provision of pre-placement training, in addition to first aid and cardiopulmonary resuscitation training for each foster family;

2. The provision of ongoing training for each foster family;

3. Documentation of orientation, pre-service training, and ongoing training in the foster family record;

4. The provision to the foster family of written procedures for handling emergencies during and outside the agency's regular office hours; and

5. Prior to placement, assistance in making an informed decision as to whether a particular child is appropriate for them.

E. The licensee or certified agency shall document the provision of the services and requirements and place the documentation in the treatment foster home record.

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22 VAC 40-130-760. Home study of prospective treatment foster family and home study; orientation.

A. The information required in this section shall be gathered in order to assess the prospective treatment foster parent's or parents' capacities to provide treatment foster care.

B. If the home is approved, the information shall be used to determine the type of child that can successfully be placed in the home.

C. The licensee or certified agency shall conduct interviews with all household members. Dates and content of interviews shall be documented in the home study.

D. There shall be a minimum of three face-to-face interviews with each prospective treatment foster parent. At least one interview with a couple shall be together and one must take place in the home.

E. Orientation provided during the home study process shall not count towards the required number of interviews.

F. The licensee or certified agency shall request and obtain a minimum of three nonrelative references for the family who have knowledge of each prospective treatment foster parent. Additional references may also be requested from relatives or others at the licensee's or certified agency's discretion.

G. A report of a medical examination by a licensed physician, his designee, or an official of a local health department of all members of the household shall be obtained. It shall include both mental and physical health. If difficulties are noted, specialists in the

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appropriate field shall be consulted. The exam shall contain:

1. An evaluation within twelve months prior to the approval of the current health of the individual including alcohol and drug abuse. Additional reports from specialists shall be received when health concerns are noted;

2. A statement that the individual was screened or tested and, based on available information can be considered free from tuberculosis in a communicable form including the date and the results.

a. If the test is positive or no test is done, there shall be a written explanation by the physician, his designee, or an official of the local health department.

b. Additional tests or screenings are not required unless the individual comes in contact with a known case of tuberculosis or develops chronic respiratory symptoms;

3. An opinion as to whether or not the health of the individual will affect the care or present a hazard to the health of children; and

4. The signature of a physician, his designee, or an official of the local health department.

H. The medical examination shall be updated if the licensee, certified agency, or licensing representative has concerns about the health of members of the foster family household.

I. A prospective treatment foster parent shall be at least 21 years of age.

Exception. A prospective treatment foster parent who is also a sibling, aunt, uncle, niece, or nephew of the child to be placed shall be at least 18 years of age.

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J. The licensee or certified agency shall consider the impact the age and stamina of a prospective treatment foster parent or parents might have on the care of the child.

K. The licensee or certified agency shall ensure that the treatment foster home is in compliance with:

1. §§ 63.2-1719, 63.2-1721, and 63.2-1723 of the *Code of Virginia*; and

2. The regulation "Background Checks for Child Welfare Agencies," (Virginia Administrative Code 22 VAC 40-191), promulgated by the State Board of Social Services.

L. The licensee or certified agency shall verify transportation safety.

1. Every prospective treatment foster home shall have available transportation;

2. Each motor vehicle family members will use to transport the adoptive child shall have liability insurance.

3. Family members who will transport the child shall have valid drivers licenses.

4. The licensee may require the Department of Motor Vehicles records for any prospective treatment parent or parents who are drivers and other drivers in the home who are expected to transport children. The licensee may require a re-check of these records if the licensee or certified agency believes it is necessary or upon request of the licensing representative.

5. The prospective treatment foster parent or parents shall disclose any moving violations in the previous three years.

M. If there have been previous marriages, the licensee or certified agency shall verify

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that the most recent divorce from the spouse is final.

N. The licensee or certified agency shall discuss the employment history of each prospective treatment foster parent.

O. The licensee or certified agency shall assess the management of income and financial resources in relation to expenses.

P. The prospective treatment foster parent or parents shall have sufficient income and financial resources to assure continuing maintenance of the family.

Q. The licensee or certified agency shall receive a financial statement indicating income and expenses.

R. If the licensee or certified agency is aware that a prospective treatment foster parent has previously applied to be a foster parent through another agency, the licensee or certified agency shall request information from the prospective treatment foster parent about their previous application.

S. The prospective treatment foster parent or parents shall sign a statement that they will neither use corporal punishment on any child placed in his home nor give others permission to do so.

T. The licensee or certified agency shall conduct an assessment of the motivations, expectations, commitment, and abilities of the prospective treatment foster parent or parents. The licensee or certified agency shall assure that the following areas are covered in its assessment and document the basis for its conclusions:

1. Family relationships, to include how the members of the household resolve conflicts

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and express affection, relationships with extended family, and children living outside of the home;

2. Extended family, social, and community relationships;

3. Stability of the marriage in relation to its length, where applicable;

4. Experiences of the prospective treatment foster parent or parents with children and as a child, including childhood relationships with parents, siblings, and peers;

5. The value system of the family and the ability to accommodate children of a different religion, culture, and/or ethnicity;

6. The interests and activities of family members, including a judgment as to whether or not the general pattern of family life will accommodate a child;

7. Discipline of children to include:

a. The discipline the prospective therapeutic foster parent or parents received;

b. Current parenting practices;

c. Opinions and attitudes towards discipline; and

d. Discipline techniques to be used with a child placed in the home;

8. The prospective foster parent's or parents':

a. Ability to learn and apply the licensee's or certified agency's recommended behavior management techniques;

b. Willingness to assist in preparing the treatment plan; and

c. Commitment to become a part of the licensee's or certified agency's treatment team;

9. The prospective foster parent's or parents' abilities to communicate effectively both

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orally and in writing as applicable to the job responsibilities. If the prospective treatment foster parent or parents have limited English-speaking ability, their willingness to increase proficiency in the English language.

10. The prospective foster parent's or parents' education and attitudes towards education;

11. The prospective foster parent's or parents' willingness to work with the school and all other professionals who are involved in the care of the child;

12. The prospective treatment foster parent's or parents' willingness to provide adequate drinking water and meals and snacks appropriate to daily nutritional needs and in accordance with diets prescribed by a licensed physician or in accordance with religious or ethnic requirements or other special needs.

13. The prospective foster parent's or parents' attitudes towards birth parents and towards working with the agency;

14. The age, sex, and type of child desired; and

15. Supervision arrangements when the prospective treatment foster parent or parents will be out of the home.

U. The prospective treatment foster parent or parents shall participate in a face-to-face orientation describing permanency planning and the importance of concurrent planning.

V. The licensee or certified agency shall assess and determine that the prospective treatment foster home is free of hazards to the health and safety of children, is clean, includes space for recreational activities, and is in good physical repair. The following

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areas shall be included in the licensee's or certified agency's assessment of the home:

1. Rooms used by children shall be well lighted for activities and safety.
2. There is a written evacuation plan in case of emergencies.
 - a. The prospective treatment foster parent or parents agree to rehearse the plan with children monthly.
 - b. The prospective treatment foster parent or parents agree to review the plan with each child who is developmentally able to understand within 48 hours of placement.
3. The prospective treatment foster parent or parents shall include in their written emergency evacuation that they will contact 911 or another local emergency source to seek assistance from fire and rescue professionals.
4. All attics and basements used by children shall have two emergency exits, one of which leads directly outside.
5. The home shall have an operable heating and ventilation system and all doors and windows used for ventilation are appropriately screened.
6. Possession of any weapons, including firearms, in the home must be in compliance with federal and state laws and local ordinances.
7. Firearms shall be kept unloaded and firearms and ammunition shall be locked in separate secure locations.
 - a. The safety mechanisms shall be activated.
 - b. Any glass cabinets used to store any weapons, including firearms, shall be shatter-proof.

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8. The key or combination to the locked locations shall be inaccessible to all children in the home.

9. Children over the age of two shall sleep in a separate bed and bedroom from the foster parents unless the licensee or certified agency has approved this plan based on the child's documented needs, disabilities, or other conditions.

10. Children of opposite sex over age two shall not share a bedroom and shall sleep in separate beds.

11. Children's bedrooms shall not be used as passageways and shall have doors for privacy.

12. There shall be at least 70 square feet in a room occupied by one child and at least 50 square feet for each child in a room shared by two or more children.

13. Children's rooms shall have closet or drawer space, or both, for clothing and personal possessions of children over two years of age.

14. There is adequate space and equipment for food preparation, service, and proper storage.

15. The home shall keep cleaning supplies and other toxic substances stored away from food, secured, and out of the reach of children who are developmentally unable to understand the dangers.

EXCEPTION: Where appropriate, adolescents may have access to and may use cleaning supplies.

16. The prospective treatment foster parent or parents shall have a working telephone

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available in the home in case of emergencies.

17. The presence of pets is documented.

18. Children are protected from household pets.

19. Animals are kept in compliance with Title 3.1, Chapter 27.4 of the *Code of Virginia* and local ordinances.

20. The prospective treatment foster parent or parents shall agree to permit an inspection of the home's private water supply and sewage disposal system by the local health department if conditions indicate a need for approval and the licensee or certified agency or licensing representative requests it.

22 VAC 40-130-770. Approval or disapproval.

A. The licensee or certified agency shall recommend approval or disapproval based on a careful assessment of information received through the home study process, and the prospective treatment foster parent's or parents' participation in the home study process and in any orientation and preservice training.

B. The decision to approve or deny shall be made by:

1. A child-placing supervisor;

2. A licensee or certified agency person with the qualifications of case work supervisor; or

3. In a staff meeting in which a case work supervisor or equivalent is present and in agreement.

C. The date of the decision shall be recorded in prospective treatment foster parent's or

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parents' record.

D. If approval is recommended, the case worker or case worker trainee shall recommend the age, sex , number based on sex and appropriate bed space, and type of children who can successfully be placed and give the basis for the recommendation. Treatment foster parent preference shall be considered in reaching the recommendation.

E. The prospective treatment foster parent or parents shall be informed in writing within a week of the decision and offered an interview to have the licensee's or certified agency's denial explained to them.

F. The home study shall be written and the home approved before a child is placed. 22 VAC 40-130-780. Training for treatment foster parents.

A. Prior to a child being placed in the home, all approved treatment foster parents shall satisfactorily complete pre-placement training in addition to first aid and cardio-pulmonary resuscitation training.

B. This training material shall be written and include, but not be limited to:

1. Information about the strengths and needs of children and their families who require treatment foster care services;

2. Information about the impact of separation and loss for all parties involved in family foster care;

3. The laws, regulations, policies, procedures, and values that direct the licensee's or certified agency's treatment foster care program;

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4. Knowledge and practice skills necessary to be a treatment foster parent with the licensee or certified agency;

5. Impact of fostering on treatment foster parents, their children, and all aspects of their family life;

6. Knowledge and understanding of the types of children served by the agency and the types of services these children generally need;

7. Attachment and bonding issues;

8. The licensee's or certified agency's policies on acceptable discipline and behavior management program, and skill training in treatment, behavior management, and crisis intervention;

9. How the treatment team operates within the agency and the role of treatment foster parents as effective and essential members of the team;

10. The differences between treatment foster parenting and other types of parenting, including birth, adoptive, and other foster parenting;

11. The identification of and mandated reporting of child abuse and neglect; and

12. Preparation for each individual child prior to placement in the home.

C. The licensee or certified agency shall develop an on-going training plan for treatment foster parents. The specific training topics shall be included in the agency's program description and shall include, but not be limited to:

1. Building on basic skills and developing advanced skills, such as working directly with parents of children in care, when possible, to teach parenting skills;

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2. Helping children learn appropriate behaviors and develop self esteem;

3. Responding to signs and symptoms of physical abuse, sexual abuse, neglect, and emotional maltreatment;

4. Helping children with family reunification, adoption, and preparation for young adult life as relevant; and

5. Reviewing crisis intervention procedures.

D. Each treatment foster parent shall complete on-going training annually.

1. The additional training shall be provided based on the needs of the treatment foster parents and the children in care.

2. Treatment foster parents shall be consulted on their training needs.

3. Completed annual training shall be documented in the treatment foster family record.

22 VAC 40-130-790. Treatment foster home agreement.

A. The licensee or certified agency shall have a written foster home agreement with the treatment family for each child in care.

B. The treatment foster home agreement shall state the date the approval of the home begins and ends.

C. The agreement shall include a statement that the treatment foster parent or parents agree to immediately report any suspected abuse, neglect, or exploitation to the local department of social services or hotline.

D. The agreement shall be signed by the treatment foster parent or parents and an authorized representative of the licensee or certified agency on or before the date the

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child is placed in the home.

E. The treatment foster home agreement shall be signed by the licensee and treatment foster parent or parents on or before the child is placed in the home and shall include statements by the treatment foster parent or parents agreeing:

1. To cooperate with staff of the licensee or certified agency in implementing the plan for the child's care including return to the birth parent or parents, facilitation of an adoptive placement, or re-placement in foster care;

2. To accept supervision of the child by the licensee;

3. That the licensee retains the right to remove the child from the home at any time the licensee deems removal to be in the best interest of the child;

4. To give advance notice to the licensee if the treatment foster parent or parents decide to discontinue providing treatment foster care;

5. To accept only children from or approved by the licensee or certified agency while the child is in care;

6. To keep confidential all information shared by the licensee or certified agency about the child;

7. To maintain close contact with licensee or certified agency staff regarding matters of significance relating to the adjustment and welfare of the child;

8. To abide by the licensee's or certified agency's visiting plan for the child and birth family;

9. To report to the licensee or certified agency any change in the composition of the

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family or household, any serious illness in the household; and all illnesses, injuries, and significant behavioral changes involving the child;

10. To report any criminal investigations and convictions, child protective service investigations and findings of child abuse and neglect, and any motor vehicle offenses of any member of the household to the local department of social services or hotline and to the licensee;

11. To abide by the licensee's policies relating to preventive medical care as well as non-emergency and/or emergency care in the event of the child's illness or injury;

12. To notify the licensee of vacation plans in advance in order to allow either temporary alternative placement of the child or sufficient time to secure proper authorization if vacation plans include the child;

13. Neither to use corporal punishment on the child nor give others permission to do so; and

14. To participate in an agreed upon English language development program, if they have limited English proficiency.

D. The treatment foster home agreement shall include a statement by the treatment foster parent or parents understanding the right to receive the support and assistance of licensee or certified agency staff at all times in relation to the child's care in the home.

E. The treatment foster home agreement includes the licensee's agreement to:

1. Place a specific child with the treatment foster parent or parents;

2. Provide information about the child relating to current behavior functioning, including

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strengths, talents, and problems, as well as the expected duration of care; and

3. Pay the treatment foster parent or parents by a specified method by a certain date each month for specified services.

F. The licensee or certified agency may add additional requirements to the agreement, if necessary or desired.

22 VAC 40-130-800. Respite care.

A. Treatment foster parents shall have access to both planned and crisis respite care for their foster children.

B. Respite care may be provided only in foster homes that have been selected and trained according to this Chapter.

C. Respite providers in treatment foster care shall be informed of the child's treatment and service plan and supervised in the implementation of this plan.

D. The licensee or certified agency and respite foster parent or parents shall sign the treatment foster care agreement for respite prior to the provision of respite care.

22 VAC 40-130-810. Repeat evaluations of treatment foster homes.

A. The licensee or certified agency shall evaluate the treatment foster home every 24 months, covering the topics in the initial home study.

B. The evaluation shall take place in the home and the visit made when the parent or parents can be present.

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1. When one treatment foster parent cannot be present due to employment which requires extended absence from the home, such as military duty, there shall be a telephone interview, if possible, with the absent treatment foster parent, and the evaluation shall be conducted with the foster parent who is present in the home.
 2. A reason a telephone interview with the absent treatment foster parent is not possible shall be documented.
 3. The absent treatment foster parent shall be interviewed within 14 days of return to the home.
- C. An evaluation to address pertinent standards shall be done whenever there is a change in physical location, marital status, or household composition.
- D. The licensee or certified agency shall make a determination about continued approval of the treatment foster parent or parents relative to the change.
- E. At the request of the licensee or certified agency or the licensing representative, a medical examination shall be obtained when there are indications that the safety or health of the children in care may be jeopardized by the health of a household member.
- F. The licensee or certified agency shall plan for the immediate removal of any foster children if the examination reveals that their safety or health might be in jeopardy.
- G. The evaluation shall also cover (i) a brief description of the adjustment of each child placed in the home since the previous evaluation, and (ii) an evaluation of the performance of the treatment foster parents addressing their ability to relate to the children and to help children reach their goals including, but not limited to:

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1. The treatment foster parent or parents' skills in working with particular types of problems;

2. The relationship between the children and the family members;

3. The stability of the home;

4. Any problems or significant changes that have occurred in the family since the prior evaluation;

5. The foster parent's or parents' abilities to work with the licensee or certified agency and with the birth parents in meeting the needs of a child; and

6. The reasons for removal of any foster children from the home during this time period.

H. The licensee or certified agency may require a drivers record from the Department of Motor Vehicles on any new drivers in the home, if they are to transport foster children, and shall re-check these records upon request of the licensee or certified agency or licensing representative.

I. The licensee or certified agency shall make a recommendation regarding continued use of the home, further training needs of the foster parents, and age, sex , types and number of children that the home can successfully manage.

J. The licensee or certified agency shall evaluate the skills and abilities of the treatment foster parents and identify any concerns and training needs.

22 VAC 40-130-820. Requirements for treatment foster care records.

A. The licensee or certified agency shall maintain a case record for each child that is indexed indicating the organization and documentation in the record.

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B. If the licensee or certified agency has offices in more than one location, the record shall identify the office which provided the service.

C. All entries shall be:

1. Typed or legibly handwritten in ink;

2. In chronological order;

3. Dated; and

4. Identify the person making the entry.

D. The child's case record shall include:

1. The placement agreement between the placing agency and the licensee or certified agency or the entrustment agreement between the legal guardian and the child-placing agency;

2. A face sheet to be completed within five days of placement that includes:

a. Personally identifying information including the child's name, birth date, place of birth, Medicaid number, and Social Security Number, if known;

b. Parents' names, addresses, marital status, telephone numbers, Social Security Numbers, if available, and information about grandparents, close relatives, and siblings, when known;

c. Names, addresses, and telephone numbers of the person or agency holding custody;

d. Names and telephone numbers of persons to be contacted in an emergency;

3. Names of persons not authorized to call or visit the child;

4. Intake information including referral forms, the application for admission, social

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history, the written intake assessment, psychological or psychiatric reports, school information, placement agreements or entrustment agreements, and medical reports received at intake;

5. A written description of the child's appearance and a photograph no more than six months old at the time of the child's placement;

6. The child's birth certificate, if possible;

7. Documentation of rationale for placing the child in the selected treatment foster home;

8. Authorizations from the placing agency or legal guardian for routine and emergency medical and dental care, for out of state travel and overnight travel within the state, for overnight sleepovers with friend(s) of the child, participation in special activities, and publicity releases;

9. Ongoing school and educational records;

10. Ongoing medical and dental treatment;

11. All services and clinical treatment including progress notes and psychological or psychiatric evaluations;

12. Treatment and service plans, and progress reports every 90 days if the child has been in placement long enough for these reports to be required, including the names of members of the child's treatment team and the designated professional staff member who leads the team;

13. Names, addresses, and dates of all placements the child has had while in the

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licensee's or certified agency's care;

14. All correspondence related to the child;

15. Narrative, including a chronological narrative or summary of contacts with and services provided to the family. It shall include visits between the parents and the child or attempts to visit;

16. Documentation of serious incidents and injuries;

17. Other material pertaining to a child in treatment foster care, as required by this Chapter, and any other applicable standards and laws not identified elsewhere in this Chapter;

18. Reason for and date of closure, if applicable;

19. Documentation of information given to a child who has reached 18 years of age, if applicable; and

20. Information on the child's birth family and services provided to them.

E. The birth family record shall contain cross references to the child's record, unless it is a part of the child's record, and include:

1. A face sheet with:

a. Names, addresses, telephone numbers, and marital status of the parents and addresses; and

b. Telephone numbers of other members of the family, when available;

2. A chronological narrative or summary of contacts with and services provided to the family including visits between the birth parents and the child, or attempts to visit; and

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3. Material relating to birth parents as required by this Chapter and applicable laws.

F. The treatment foster home record shall contain:

1. A face sheet listing all members of the household, their dates of birth, and their relationship to the treatment foster parent or parents. The face sheet shall be updated as needed;

2. The licensee or certified agency application form completed by the treatment foster parent or parents;

3. The date of approval and the approval period.

4. A record of orientation and training provided to the treatment foster parents;

5. A narrative account of the preparation of the family for each child placed with them;

6. A list of the children placed including names, birth date or age, dates of placement and removal and reasons for removal;

7. The treatment foster home study and all material required for the home study by these standards;

8. A copy of the treatment foster home agreement and the agreed upon plan of discipline for each child placed in the home;

9. Documentation of services provided to the treatment foster parent or parents;

10. Evaluations of the treatment foster home;

11. When applicable, date and reason for closure; and

12. A narrative of any concerns the licensee or certified agency has about the status of the treatment foster home.

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G. The licensee or certified agency shall maintain documentation in the treatment foster parent's or parents' record of all complaints involving the foster parent or parents, including information collected about the complaint, the agency's investigation report, and the findings.

FORMS

~~Application for Initial and Renewal License for Private Child-Placing Agencies~~

DOCUMENTS INCORPORATED BY REFERENCE

~~Service Programs Manual, Volume VII, Section III, Chapter B, Virginia Department of Social Services.~~

Service Programs Manual, Volume VII, Section III, Chapter B, Virginia Department of Social Services, Foster Care, Section 3.5.2, "Temporary Entrustment Agreements"

(04/04)

Service Programs Manual, Volume VII, Section III, Chapter B, Virginia Department of Social Services, Foster Care, Section 7.5, "Permanent Foster Care" (04/04)

Service Programs Manual, Volume VII, Section III, Chapter B, Virginia Department of Social Services, Foster Care, Section 8, "Preparing the Initial Service Plan" (04/04)

Service Programs Manual, Volume VII, Section III, Chapter B, Virginia Department of Social Services, Foster Care, Section 9.5.5, "Terminating Parental Rights" (04/04)

Service Programs Manual, Volume VII, Section III, Chapter B, Virginia Department of Social Services, Foster Care, Section 10, "Reassessments, Reviews, and Re-Determinations" (04/04)

Service Programs Manual, Volume VII, Section III, Chapter C, Adoption - Agency

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Placement, Part 6.B, "Post-Adoption Services" (12/02)

Service Programs Manual, Volume VII, Section III, Chapter C, Adoption - Agency

Placement, Parts 7 D and E, "Adoption Resource Exchange of Virginia" (12/02)

Service Programs Manual, Volume VII, Section III, Chapter D, Adoption - Non-Agency

Placement and Other Court Services, Section 2.1, "Responsibilities of the Agency in a

Parental Placement Adoption Before the Adoption Petition is Filed in Circuit Court"

(07/00)

Service Programs Manual, Volume VII, Section III, Chapter D, Adoption - Non-Agency

Placement and Other Court Services, Section 2.8, "Responsibilities of the Agency in a

Parental Placement After the Adoption Petition is Filed in Circuit Court" (07/00)

Service Programs Manual, Volume VII, Section III, Chapter D, Adoption - Non-Agency

Placement and Other Court Services, Section 7, "Disclosure of Information from Closed

Adoptive Records" (07/00)

Service Programs Manual, Volume VII, Section III, Chapter D, Adoption - Non-Agency

Placement and Other Court Services, Section 11.30, "Guidelines for Preparing Materials

for Preservation" (07/00)

Service Programs Manual, Volume VII, Section III, Chapter E, "Interstate/Intercountry

Placement of Children" (07/83)

Department of Medical Assistance Services, Supplement B - EPSDT, (01/08/00).

Appendix 1, "Virginia EPSDT Periodicity Schedule" (12/08/03"